

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE HEARING ON
WHISTLEBLOWER DISCLOSURE

SEPTEMBER 26, 2019

SPEAKERS:

REP. ADAM B. SCHIFF, D-CALIF., CHAIRMAN

REP. JIM HIMES, D-CONN.

REP. TERRI A. SEWELL, D-ALA.

REP. ANDRE CARSON, D-IND.

REP. MIKE QUIGLEY, D-ILL.

REP. JACKIE SPEIER, D-CALIF.

REP. ERIC SWALWELL, D-CALIF.

REP. JOAQUIN CASTRO, D-TEXAS

REP. DENNY HECK, D-WASH.

REP. VAL B. DEMINGS, D-FLA.

REP. RAJA KRISHNAMOORTHY, D-ILL.

REP. SEAN PATRICK MALONEY, D-N.Y.

REP. PETER WELCH, D-VT.

REP. NANCY PELOSI, D-CALIF., EX OFFICIO

REP. DEVIN NUNES, R-CALIF., RANKING MEMBER

REP. K. MICHAEL CONAWAY, R-TEXAS

REP. CHRIS STEWART, R-UTAH

REP. MICHAEL R. TURNER, R-OHIO

REP. BRAD WENSTRUP, R-OHIO

REP. RICK CRAWFORD, R-ARK.

REP. WILL HURD, R-TEXAS

REP. ELISE STEFANIK, R-N.Y.

REP. JOHN RATCLIFFE, R-TEXAS

REP. KEVIN MCCARTHY, R-CALIF., EX OFFICIO

WITNESSES:

THE HONORABLE JOSEPH MAGUIRE, ACTING DIRECTOR OF NATIONAL
INTELLIGENCE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

(CORRECTED COPY: CORRECTS HEADER)

SCHIFF: The committee will come to order.

The chair reserves the right to recess the hearing at any time.

The presidential oath of office requires the president of the United States to do two things: faithfully execute his or her office, and protect and defend the Constitution.

That oath, of course, cannot be honored if the president does not first defend the country. If our national security is jeopardized, if our country is left undefended, the necessity to faithfully execute the office becomes moot. Where there is no country, there is no office to execute. And so the duty to defend the nation is foundational to the president's responsibilities.

SCHIFF: But what of the second responsibility, to defend the Constitution? What does that really mean?

The founders were not speaking, of course, of a piece of parchment. Rather, they were expressing the obligation of the president to defend the institutions of our democracy; to defend our system of checks and balances that the Constitution enshrines; to defend the rule of law, the principle upon which the idea of America was born, that we are a nation of laws not men.

If we do not defend the nation, there is no Constitution, but if we do not defend the Constitution, there is no nation worth defending.

Yesterday, we were presented with the most graphic evidence yet that the president of the United States has betrayed his oath of office, betrayed his oath to defend our national security and betrayed his oath to defend our Constitution. For yesterday we were presented with the record of a call between the president of the United States and the president of Ukraine, in which the president -- our president -- sacrificed our national security and our Constitution for his personal political benefit.

To understand how he did so we must first understand just how overwhelmingly dependent Ukraine is on the United States, militarily, financially, diplomatically, and in every other way, and not just on the United States but on the person of the president.

Ukraine was invaded by its neighbor, by our common adversary, by Vladimir Putin's Russia. It remains occupied by Russian irregular forces in a long, simmering war. Ukraine desperately needs our help, and for years we have given it and on a bipartisan basis. That is until two months ago, when it was held up inexplicably by President Trump.

(CORRECTED COPY: CORRECT "BETRAYAL")

SCHIFF: It is in this context, after a brief congratulatory call from President Trump to President Zelensky on April 21st, and after the president's personal emissary, Rudy Giuliani, made it abundantly clear to Ukrainian officials over several months that the president wanted dirt on his political opponent -- it is in this context that the new president of Ukraine would speak to Donald Trump over the phone on July 25th.

President Zelensky, eager to establish himself at home as a friend of the president of the most powerful nation on Earth, had at least two objectives: get a meeting with the president and get more military help.

And so, what happened on that call? Zelensky begins by ingratiating himself and he tries to enlist the support of the president. He expresses his interest in meeting with the president and says his country wants to acquire more weapons from us to defend itself.

And what is the president's response? Well, it reads like a classic organized crime shakedown. Shorn of its rambling character and in not so many words, this is the essence of what the president communicates.

We've been very good to your country, very good. No other country has done as much as we have. But you know what? I don't see much reciprocity here.

I hear what you want. I have a favor I want from you, though. And I'm going to say this only seven times, so you better listen good.

I want you to make up dirt on my political opponent, understand? Lots of it, on this and on that.

I'm going to put you in touch with people. And not just any people, I'm going to put you in touch with Attorney General of the United States, my attorney general, Bill Barr. He's got the whole weight of the American law enforcement behind him. And I'm going to put you in touch with Rudy. You're going to love him, trust me.

You know what I'm asking, and so I'm only going to say this a few more times, in a few more ways. And by the way, don't call me again; I'll call you when you've done what I asked.

This in, in sum, in character what the president was trying to communicate with the president of Ukraine. It would be funny if it wasn't such a graphic betrayal of the president's oath of office.

But as it does represent a real betrayal -- there's nothing the president says here that is in America's interest, after all -- it is, instead, the most consequential form of tragedy, for it forces us to confront the remedy the founders provided for such a flagrant abuse of office, impeachment.

Now, this matter would not have come to the attention of our committee or the nation's attention without the courage of a single person, the whistleblower.

As you know, Director Maguire, more so than perhaps any other area of government, since we deal with classified information, the Intelligence Committee is dependent on whistleblowers to reveal wrongdoing when it occurs, when the agencies do not self-report, because outside parties are not allowed to scrutinize your work and to guide us.

If that system is allowed to break down, as it did here, if whistleblowers come to understand that they will not be protected, one of two things happen: serious wrongdoing goes unreported or whistleblowers take matters into their own hands and divulge classified information to the press in violation of the law and placing our national security at risk.

This is why the whistleblower system is so vital to us and why your handling of this urgent complaint is also so troubling.

SCHIFF: Today we can say, for the first time, since we have released this morning the whistleblower complaint that you have marked unclassified, that the substance of this call is a core issue, although by means -- no means, the only issue raised by the whistleblower's complaint, which was shared with the committee for the first time only late yesterday.

By law, the whistleblower complaint, which brought this gross misconduct to light, should've been presented to this committee weeks ago and by you, Mr. Director, under the clear letter of the law. And yet it wasn't.

Director Maguire, I was very pleased when you were named acting director. If Sue Gordon was not going to remain, I was grateful that a man of your superb military background was chosen. A Navy SEAL for 36 years and director of the National Counterterrorism Center since December 2018, your credentials are impressive.

And in limited interactions that we have had since you became director of NCTC, you have struck me as a good and decent man.

Which makes your actions over the last month all the more bewildering:

why you chose not to provide the complaint to this committee as required by law;

why you chose to seek a second opinion on whether shall really means shall under the statute;

why you chose to go to a department led by a man, Bill Barr, who himself is implicated in the complaint and believes that he exists to serve the interests of the president -- not the office itself, mind you, or the public interest, but the interest of the person of Donald Trump;

why you chose to allow the subject of the complaint to play a role in deciding whether Congress would ever see the complaint;

why you stood silent when an intelligence professional under your care and protection was ridiculed by the president, was accused of potentially betraying his or her country, when that whistleblower by their very act of coming forward has shown more dedication to country, more of an understanding of the president's oath of office than the president himself.

We look forward to your explanation.

Ranking Member Nunes?

NUNES: Thank the gentleman.

I want to congratulate the Democrats on the rollout of their latest information warfare operation against the president and their extraordinary ability to once again enlist the mainstream media in their campaign.

This operation began with media reports from the prime instigators of the Russia collision hoax that a whistleblower's claiming President Trump made a nefarious

promise to a foreign leader. The released transcript of that call has already debunked that central assertion.

But that didn't matter. The Democrats simply moved the goal post and began claiming that there doesn't need to be a quid pro quo for this conversation to serve as the basis for impeaching the president.

Speaker Pelosi went further when asked earlier if she would out brakes on impeachment if the transcript turned out to be benign. She responded, quote, "So there you go. If the whistleblower operation doesn't work out, the Democrats and their media - we have candidates," quote, "We have many candidates for impeachable offenses." That was her quote. So there you go. If the whistleblower operation doesn't work out, the Democrats and their media assets can always drum up something else.

And what other information has come to light since the original false report of a promise being made?

We've learned the following:

the complaint relied on hearsay evidence provided by the whistleblower;

the inspector general did not know the contents of the phone call at issue

the inspector general found the whistleblower displayed arguable political bias against Trump;

the Department of Justice investigated the complaint and determined no action was warranted;

the Ukrainian president denies being pressured by President Trump.

NUNES: So once again the supposed scandal ends up being nothing like what we were told. And once again the Democrats, their media mouthpieces and a cabal of leakers are ginning up a fake story with no regard to the monumental damage they're causing to our public institutions and to trust in government, and without acknowledging all the false stories they propagated in the past, including countless allegations that Trump campaign colluded with Russia to hack the 2016 elected -- election. We're supposed to forget about all those stories, but believe this one.

In short, what we have with this storyline is another Steele dossier.

On note here (inaudible) the Democrats' mania to overturn the 2016 elections, everything they touch gets hopelessly politicized. With the Russia hoax it was our intelligence agencies which were turned into a political weapon to attack the president. And now today the whistleblower process is the casualty.

Until about a week ago, the need to protect that process was the -- was a primary bipartisan concern of this committee. But if the Democrats were really concerned with defending that process, they would have pursued this matter with a quiet, sober inquiry, as we do for all whistleblowers.

But that would have been useless for them. They don't want answers; they want a public spectacle. And so we've been treated to an unending parade of press releases, press conferences and fake news stories.

This hearing itself is another example. Whistleblower inquiries should not be held in public at all, as our Senate counterparts, both Democrats and Republicans, obviously understand. Their hearing with Mr. Maguire is behind closed doors.

But again, that only makes sense when your goal is to get information, not to create a media frenzy.

The current hysteria has something else in common with the Russia hoax. Back then they accused the Trump campaign of colluding with the Russians when the Democrats themselves were colluding with the Russians in preparing the Steele dossier.

Today they accuse the president of pressuring Ukrainians to take actions that would help himself or hurt his political opponents, and yet there are numerous examples of Democrats doing the exact same thing.

Joe Biden bragged that he extorted the Ukrainians into firing a prosecutor who happened to be investigating Biden's own son. Three Democratic senators wrote a letter pressuring the Ukrainian general prosecutor to reopen the investigation into former Trump campaign officials. Another Democratic senator went to Ukraine and pressured the Ukrainian president not to investigate corruption allegations involving Joe Biden's son.

According to Ukraine officials, a Democratic National Committee contractor, Alexander -- Alexandra Chalupa, tried to get Ukrainian officials to provide dirt on Trump associates and tried to get the former Ukrainian president to comment publicly on alleged ties to Russia. Ukrainian official Sergei Lashchenko was a source for Nellie Ohr, wife of Department of Justice official Bruce Ohr, as she worked on the anti-Trump operation conducted by Fusion GPS and funded by the Democrats.

And, of course, Democrats on this very committee negotiated with people who they thought were Ukrainians in order to obtain nude pictures of Trump.

People can reasonably ask why the Democrats are so determined to impeach this president when in just a year they'll have a chance. In fact, one Democratic congressman, one of the first to call for Trump's impeachment, gave us the answer when he said, quote, "I'm concerned that if we don't impeach the president, he will get re-elected," unquote.

Winning elections is hard and when you compete you have no guarantee you'll win. But the American people do have a say in this and they made their voices heard in the last presidential election.

This latest gambit by the Democrats to overturn the people's mandate is unhinged and dangerous. They should end the entire dishonest, grotesque spectacle and get back to work to solving problems, which is what every member of this committee was sent here to do. Judging by today's charade, the chances of that happening anytime soon are zero to none.

I yield back.

SCHIFF: I thank the gentleman.

Director, will you rise for the oath and raise your right hand? Do you solemnly swear or affirm that the testimony will give today shall be the truth, the whole truth and nothing but the truth so help you God?

MAGUIRE: (OFF-MIKE)

SCHIFF: Thank you. You may be seated.

The record will reflect that the witness has been duly sworn.

Director Maguire, would you agree that the whistleblower complaint alleges serious wrongdoing by the president of United States?

MAGUIRE: Mr. Chairman, the whistle...

SCHIFF: Well, actually -- I apologize, Director -- let me recognize you for your opening statement. And you may take as much time as you need.

MAGUIRE: Thank you very much, Mr. Chairman.

Chairman Schiff, Ranking Member Nunes and members of the committee, good morning.

I'd like to begin by thanking the chairman and the committee for agreeing to postpone this hearing for one week. This provided sufficient time to allow the executive branch to successfully complete its consultations regarding how to accommodate the committee's request.

Mr. Chairman, I've told you this on several occasions and I would like to say this publicly: I respect you, I respect this committee and I welcome and take seriously the committee's oversight role.

During my confirmation process to be the director of the National Counterterrorism Center, I told the Senate Select Committee on Intelligence that congressional oversight of the intelligence activities is critical and it's essential to successful operations with the intelligence community. Having served as the director of the National Counterterrorism Center for a eight months and as the acting director of national intelligence for the past six weeks, I continue to believe strongly that (sic) the role of congressional oversight.

As I pledged to the Senate, I pledge to you today that I will continue to work closely with Congress while I'm serving either in this capacity, as acting director of national counterterrorism, or when I return to the National Counterterrorism Center, to ensure you are fully and currently informed of intelligence activities, to facilitate your ability to perform your oversight of the intelligence community.

The American people expect us to keep them safe. The intelligence community cannot do that without this committee's support.

(CORRECTED COPY: CORRECTIONS THROUGHOUT)

MAGUIRE: Before I turn to the matter of (sic) hand, there are a few things I would like to say.

I am not partisan and I am not political. I believe in a life of service and I'm honored to be a public servant. I served under eight presidents while I was in uniform. I have taken the oath to the Constitution 11 times: the first time when I was sworn into the United States Navy in 1974 and nine times during my subsequent promotions in the United States Navy. Most recently, former Director Dan Coats administered the oath of office when I became the director of the National Counterterrorism Center.

I agree with you, the oath is sacred. It's a foundation of our Constitution.

The oath to me means not only that I swear true faith and allegiance to that sacred document, but more importantly, I view it as a covenant I have with my workforce that I lead and every American that I will well and faithfully discharge the duties of my office.

I come from a long line of public servants who have stepped forward even in the most difficult times and austere times to support and defend our country. When I took my uniform off in July of 2010, it was the first time in 70 years that an immediate member of my family was not wearing the cloth of the nation.

As a naval special warfare officer, I had the honor of commanding at every level in the SEAL community. It was, at times, very demanding, but the rewards of serving in American's special operations community more than make up for the demands.

After my retirement, I was fortunate to work for a great private sector firm. I left the business world after three years to lead a non-profit charity. Some question why I would leave a promising business career to run a charity. The answer was quite simple: It was another opportunity to serve.

I led a foundation dedicated to honoring the sacrifice of our fallen and severely wounded special operators. The foundation I led enabled hundreds of children of our fallen to attend college. It was extremely meaningful and rewarding.

In the winter of 2018, I was asked by former Director Dan Coats to return to government service to lead the National Counterterrorism Center. This request was totally unexpected and was not a position I sought. But then again, it was another opportunity to serve my country.

In particular, I knew that many of the young sailors and junior officers that I had trained 20 years earlier were now senior combat veterans, deploying and still sacrificing. I decided if they could continue to serve, returning to government service was the very least I could do. And now here I am sitting before you as the acting director of national intelligence.

With last month's departure of Dan Coats and Sue Gordon, two exceptional leaders and friends, I was asked to step into their very big shoes and lead the intelligence community until the president nominates and the Senate confirms the next director of national intelligence.

I accepted this responsibility because I love this country. I have a deep and profound respect for the men and women of our intelligence community and the mission we execute every day on behalf of the American people.

Throughout my career, I have served and led through turbulent times. I have governed every action by the following criteria: it must be legal, it must be moral and it must be ethical.

No one can take an individual's integrity away; it can only be given away. If every action meets those criteria, you will always be a person of integrity.

In my nearly four decades of public service, my integrity has never been questioned until now.

I'm here today to unequivocally state that, as acting DNI, I will continue the same faithful and nonpartisan support in a matter that adheres to the Constitution and the laws of this great country as long as I serve in this position, for whatever period of time that may be.

I want to make it clear that I have upheld my responsibility to follow the law every step of the way in the matter that is before us today.

I want to also state my support for the whistleblower and the rights and the laws. Whistleblowing has a long history in our country, dating back to the Continental Congress. This is not surprising, because as a nation, we desire for good government, therefore we must protect those who demonstrate courage, to report alleged wrongdoing, whether on the battlefield or in the workplace.

Indeed, at the start of the ethics training in the executive branch each year, we are reminded that public service is a public trust, and as public servants we have the solemn responsibility to do what's right, which includes reporting concerns of waste, fraud and abuse, and bringing such matters to the attention of Congress under the Intelligence Community Whistleblower Protection Act.

I applaud all employees who come forward under this act. I am committed to ensuring that all whistleblower complaints are handled appropriately and to protecting the rights of whistleblowers.

In this case, the complainant raised a matter with the intelligence community inspector general. The inspector general is properly protecting the complainant's identity and will not permit the complainant to be subject to any retaliation or adverse consequences for communicating the complaint to the inspector general.

Upholding the integrity of the intelligence community and the workforce is my number one priority. Throughout my career I relied on the men and women of the intelligence community to do their jobs so I could do mine, and I can personally attest that their efforts saved lives.

I would now like to turn to the complaint and provide a general background on how we got to where we are today.

On August 26th, the inspector general forwarded a complaint to me from an employee in the intelligence community. The inspector general stated that the complaint raised an urgent concern, a legally defined term under Whistleblower Protection Act that has been discussed at length in our letters to the committee on September 16 and 17.

Before I turn to the discussion about whether the complaint meets the definition of urgent concern, I first want to talk about an even more fundamental issue.

Upon reviewing the complaint, we were immediately struck by the fact that many of the allegations in the complaint are based on a conversation between the president and another foreign leader. Such calls are typically subject to executive privilege.

As a result, we consulted with the White House Counsel's Office and we were advised that much of the information in the complaint was, in fact, subject to executive privilege, a privilege that I do not have the authority to waive.

Because of that, we were unable to immediately share the details of the complaint with this committee, but continued to consult with the White House counsels in an effort to do so.

Yesterday, the president released the transcripts of the call in question, and therefore, we are now able to disclose the details of both complaint and the inspector general's letter transmitted to us. As a result, I have provided the House and Senate Intelligence Committees with the full, unredacted complaint, as well as the inspector general's letter.

Let me also discuss the issue of urgent concern.

When transmitting the complaint to me, the inspector general took the legal position that because the complaint alleges matters of urgent concern, and because he found the allegations to be credible, I was required under the Intelligence Community Whistleblower Protection Act to forward the complaint to our oversight committees within seven days of receiving it.

MAGUIRE: As we have previously explained in our letters, urgent concern is a statutorily defined term. To be an urgent concern, the allegations must, in addition to being classified, assert a flagrant, serious problem, abuse or violation of law and relate to the funding, administration or operation of an intelligent activity within the responsibility of the director of national intelligence.

However, this complaint -- this complaint concerns conduct by someone outside the intelligence community, unrelated to funding, administration or operation of an intelligence activity under my supervision. Because the allegation on the face did not appear to fall in the statutory framework, my office consulted with the United States Department of Justice Office of Legal Counsel and included -- we included the inspector general in those consultations.

After reviewing the complaint and the inspector general's transmittal letter, the Office of Legal Counsel determined that the complaint's allegations do not meet the statutory requirement definition concerning legal urgent concern, and found that I was not legally required to transmit the material to our oversight committee under the Whistleblower

Protection Act. And a classified version of the Office of Legal Counsel memo was publicly released.

As you know, for those of us in the executive branch, Office of Legal Counsel opinions are binding on all of us.

In particular, the Office of Legal Counsel opinion states that the president is not a member of the intelligence community and the communication with a foreign leader involved no intelligence operation or activity aimed at collecting or analyzing foreign intelligence.

While this OLC opinion did not require transmission of the complaint to the committees, it did leave me with the discretion to forward the complaint to the committee. However, given the executive privilege issues I discussed, neither the inspector general nor I were able to share the details of the complaint at the time.

When the inspector general informed me that he still intended to notify the committees of the existence of the complaint, Mr. Chairman, I supported that decision, to ensure the committees were kept as informed as possible of this process move forward.

I want to raise a few other points about the situation we find ourselves in.

First, I want to stress that I believe that the whistleblower and the inspector general have acted in good faith throughout. I have every reason to believe that they have done everything by the book and followed the law, respecting the privileged nature of the information and patiently waiting while the executive privilege issues were resolved.

Wherever possible we have worked in partnership with the inspector general on this matter. While we have difference of opinions on the issue of whether or not it is urgent concern, I strongly believe in the role of the inspector general. I greatly value the independence he brings, and his dedication and his role in keeping me and the committees informed of matters within the intelligence committee (ph).

Second, although executive privilege prevented us from sharing the details of the complaint with the committees until recently, this does not mean that the complaint was ignored. The inspector general, in consultation with my office, referred this matter to the Department of Justice for investigation.

Finally, I appreciate that in the past whistleblower complaints may have been provided to the Congress regardless of whether they were deemed credible or satisfied the urgent -- the urgent concern requirement. However, I am not familiar with any prior instances where a whistleblower complaint touched on such complicated and sensitive issues, including executive privilege. I believe that this matter is unprecedented.

I also believe that I handled this matter in full compliance with the law at all times and I am committed to doing so, sir.

I appreciate the committee providing me this opportunity to discuss this matter and the ongoing commitment to work with the Congress on your important oversight role.

Thank you very much, sir.

SCHIFF: Thank you, Director.

Would you agree that the whistleblower complaint alleges serious wrongdoing by the president of the United States?

MAGUIRE: The whistleblower complaint involved the allegation of that. but it is not for me and the intelligence community to decide how the president conducts his foreign policy or his interaction with leaders of other countries, sir.

SCHIFF: Well, I'm not asking you to opine on how the president conducts foreign policy. I'm asking you whether, as the statute requires, this complaint involved serious wrongdoing, in this case by the president of the United States -- an allegation of serious wrongdoing by the president of the United States. Is that not the subject of this complaint?

MAGUIRE: Yes, that is the subject of the allegation of the complaint. And two things, Mr. Chairman...

SCHIFF: And -- and let me ask you about that.

The inspector general found that serious allegation of misconduct by the president credible. Did you also find that credible?

MAGUIRE: I did not criticize the inspector general's decision on whether it not was credible. My question was whether it not -- whether or not it meets the urgent concern in the seven-day timeframe that would follow but so as notify...

SCHIFF: My question, Director...

MAGUIRE: I have no -- I have no -- no question in his judgment that he considered it a serious matter. The issue that I don't...

SCHIFF: Then you would -- you would concur, would you not, Director, that this complaint alleging serious wrongdoing by the president was credible?

MAGUIRE: It's not for me to judge, sir. What my...

SCHIFF: It is from you -- it is for you to judge apparently.

I mean, I agree it's not for you to judge. You shall provide it to Congress. But -- but, indeed, you did judge whether this complaint should be provided to Congress.

Can we -- can we at least agree that the inspector general made a sound conclusion that this whistleblower complaint was credible?

MAGUIRE: That is correct. That is in the cover letter that's been provided to the committee. I believe that's also been public, the decision and the recommendation by the inspector general that in fact that the allegation was credible.

SCHIFF: Can we also agree that it was urgent that if the president of the United States was withholding military aid to an ally even as you received the complaint and was doing so for a nefarious reason, that is to exercise leverage for the president of Ukraine to dig up manufactured dirt on his opponent -- can we agree that it was urgent while that aid was being withheld?

MAGUIRE: There's two -- there are things that...

SCHIFF: I'm talking about the lay -- the common understanding of what urgent means. Because the inspector general said this was urgent, not only in the statutory

meeting, this was urgent as everyone understands that term. Can we agree that it was urgent?

MAGUIRE: It was urgent and important. But my job as the director of national intelligence was to comply with the Whistleblower Protection Act and to adhere to the definition of urgent concern, which is a legal term.

SCHIFF: And to adhere to the meaning of the term shall.

MAGUIRE: Yes, sir.

SCHIFF: In this case, you sought a second opinion of whether shall really means shall by going to the White House.

MAGUIRE: No, sir. There were two things, as I said in my statement.

One, it appeared that it also had matters of executive privilege. I am not authorized, as the director of national intelligence, to waive executive privilege.

SCHIFF: And at any time -- at any time over the last month that you held this complaint, did the White House assert executive privilege?

MAGUIRE: Mr. Chairman, I have endeavored...

SCHIFF: I think that's a yes-or-no question. Did they ever assert executive privilege?

MAGUIRE: They were working through the executive privilege procedures in deciding whether or not to exert privilege.

SCHIFF: And so they never exerted privilege, is that the answer?

MAGUIRE: If -- Mr. Chairman, if they did, we would not have released the letters yesterday and all of the information that has been forthcoming.

SCHIFF: Now, the first place you went was to the White House. Am I to understand that from your opening statement; it wasn't to the Department of Justice, the first place you went for a second opinion was to the White House?

MAGUIRE: I did not go for a second opinion.

The question was, is the information contained here subject to executive privilege, not whether it not met urgent concern.

SCHIFF: And -- and so the first place you went for advice as to whether you should provide the complaint, as the statute requires, to Congress was the White House?

MAGUIRE: I am not authorized, as the director of national intelligence, to provide executive-privileged information. I think it is prudent, as a member of the executive branch, to check to ensure that in fact it does not.

SCHIFF: I'm just asking about the sequencing here. Did you first go to the White House to determine whether you should provide a complaint to Congress?

MAGUIRE: No, sir. That was not the question.

The question was whether or not it has executive privilege, not whether or not I should send it onto Congress.

SCHIFF: OK.

Is the first party you went to outside of your office to seek advice, counsel, direction, the White House?

MAGUIRE: I have consulted with the White House counsel, and eventually we also consulted with the Department of Justice Office of Legal Counsel.

SCHIFF: And my question is, did you go to the White House first?

MAGUIRE: I went to the Office of Legal Counsel for advice, yes, sir.

SCHIFF: Well, I'm asking which you went to first. Did you go to the Department of Justice Office Legal Counsel first or did you go to the White House first?

MAGUIRE: I went to the Office -- excuse me.

My team, my office went to the Office of Legal Counsel first to receive whether or not the matter in the letter and in the complaint might meet the executive privilege. They viewed it and said, we've determined that it appears to be executive privilege. And until executive privilege is determined and cleared, I did not have the authority to be able to send that forward to the committee.

I worked with the Office of Legal Counsel for the past several weeks to get resolution on this. It's a very deliberate process.

SCHIFF: Well, Director, I'm still trying to understand the chronology.

You first went to the Office of Legal Counsel and then you went to White House counsel?

MAGUIRE: We went -- excuse me. Repeat that please, sir.

SCHIFF: I'm just trying to understand the chronology.

You first went to the Office of Legal Counsel, then you went to the White House counsel?

MAGUIRE: No, no, no, sir. No, sir.

No, we -- we went to the White House first to determine -- to ask the question...

SCHIFF: OK. That's all I want to know, is chronology.

So you went to the White House first. So you went to the subject of the complaint for advice first about whether you should provide the complaint to Congress.

MAGUIRE: There were issues within this. A couple of things.

One, it did appear that it has executive privilege. If it does have executive privilege, it is the White House that determines that. I cannot determine that as the director of national intelligence.

SCHIFF: But in this case, the White House, the president is the subject of the complaint. He's the subject of the wrongdoing.

Were you aware -- when you went to the White House for advice about whether evidence of wrongdoing by the White House should be provided to the Congress, were you aware that the White House counsel has taken the unprecedented position that the privilege applies to communications involving the president when he was president, involving the president when he wasn't president, involving people who never served in the administration, involving people who never served in the administration even when they're not even talking to the president? Were you aware that that is the unprecedented position of the White House, the White House you went to for advice about whether you should turn over a complaint involving the White House?

MAGUIRE: Mr. Chairman, as I said in my opening statement, I believe that everything here in this matter is totally unprecedented. And that is why my former directors of national intelligence forwarded them to you, whether or not it met urgent concern or whether it was serious. This was different. And to me, it just seemed prudent to be able to check and ensure, as a member of the executive branch, before I sent it forward.

SCHIFF: I just have a couple more questions then I'll turn it over to the ranking member. He may consume as much time as I did.

The second place you went to was the Justice Department. And you went to that department headed by a man, Bill Barr, who was also implicated in the complaint. And you knew that when you went to the Department of Justice for an opinion, correct, that Bill Barr was mentioned in the complaint?

MAGUIRE: Mr. Chairman, I went to the Office of Legal Counsel in consultation with the ICIG -- he was a part of that -- to receive whether or not this met the criteria...

SCHIFF: Yes, but that ICIG vehemently disagreed with the opinion of the Bill Barr Justice Department, did he not?

MAGUIRE: He still considered it a matter of urgent concern. However, as you know, opinions from the Department of Justice Office of Legal Counsel are binding on all of us in the executive branch.

SCHIFF: Well, let me ask you this. Do you think it's appropriate that you go to a department run by someone who's the subject of the complaint to get advice -- or who is a subject of the complaint or implicated in the complaint for advice as to whether you should provide that to Congress? Did -- did that conflict of interest concern you?

MAGUIRE: Mr. Chairman, when I saw this report and complaint, immediately I knew that this was a serious matter. It came to me, and I just thought it would be prudent to ensure...

SCHIFF: I'm just asking if the conflict of interest concerned you.

MAGUIRE: Well, sir, I have to work with what I've got, and that is the Office of Legal Counsel within the executive branch.

SCHIFF: But what you also had was a statute that says shall. And even then, you said you had the discretion to provide it but -- but did not.

MAGUIRE: Because it did not meet the matter of urgent concern, that took away the seven-day timeline.

I have endeavored to work with the Office of Legal Counsel in order to get the material to you, which we have provided to you yesterday.

Now, I have to tell you, Chairman. It is not, perhaps, at the timeline that I would have desired or you. But the Office of Legal Counsel has to make sure they make prudent decisions. And yesterday when the president released the transcripts of his call with the president of Ukraine, then they could no longer -- executive privilege no longer applied, and that is when I was free to be able to send the complaint to the committee.

SCHIFF: Director, you don't believe the whistleblower is a political hack, do you?

MAGUIRE: I don't know who the whistleblower is, Mr. Chairman, to be honest with you. I've done my utmost to ensure that I protect his anonymity.

SCHIFF: That doesn't sound like much of a defense of the whistleblower here, someone you found did everything right.

You don't believe the whistleblower's a political hack, do you, Director?

MAGUIRE: I believe that -- as I said before, Mr. Chairman, I believe the whistleblower are -- is operating in good faith and has followed the law...

SCHIFF: Well, then they couldn't be -- then they couldn't be in good faith if they were acting as a political hack, could they?

MAGUIRE: Mr. Chairman, my job is to support and lead the entire intelligence community. That individual works for me, therefore it is my job to make sure that I support and defend that person.

SCHIFF: You don't have any reason to accuse them of disloyalty to our country or suggest they're beholden to some other country, do you?

MAGUIRE: Absolute -- sir, absolutely not.

I believe that the whistleblower followed the steps every step of the way. However the statute was one, in this situation, involving the president of the United States, who is not in the intelligence community or matters underneath my supervision, did not meet the criteria for urgent concern.

SCHIFF: Well, I'm just asking about the whistleblower right now.

MAGUIRE: I think the whistleblower did the right thing. I think he followed the law every step of the way, and we just got stuck...

SCHIFF: Then -- then why -- Director, when the president called the whistleblower a political hack and suggested that he or she might be disloyal to the country, why did you remain silent?

MAGUIRE: I did not remain silent, Mr. Chairman. I issued a statement to my workforce, telling the committee my commitment to the whistleblower protection and

ensuring that I would provide protection to anybody within the intelligence community who comes forward.

But the way this thing was blowing out, I didn't think it was appropriate for me to be making a press statement so that we counter each other every step of the way.

SCHIFF: I -- I think it was not only appropriate, but there's nothing that would have given more confidence to the workforce than hearing you publicly say, no one should be calling this professional, who did the right thing, a hack or a traitor or anything else. I think that would meant a great deal to the workforce.

So, Mr. Nunes, you're recognized.

NUNES: Welcome Mr. Director. It's a pleasure to have you here.

And you're going to be a part of a charade of legal word games. They're going to try to get you to say something that can be repeated by the media that is here that wants to report this story.

You -- I just want to get one thing straight, because one of the quotes they're going to use from you is you saying that this was a credible complaint. That will be used and spun as you're saying that it was true, and I want to give you an opportunity to -- you do not -- you have not investigated the veracity or the truthfulness of this complaint?

MAGUIRE: That's correct, Ranking Member.

The determination on credible was made the I.C. inspector general. He made the determination that it is credible and he also made the determination of urgent concern.

My question was not -- I did not question his judgment there. The question I had was, does, in fact, this allegation of wrongdoing meet the criteria -- the statutory criteria of urgent concern? And the other issue, as I said, complicated things, did it, in fact, the allegations within this whistleblower complaint involve executive privilege?

NUNES: Thank you for -- for clarifying that.

Have you ever -- you mentioned it a little bit in your testimony, but have you ever or are you aware of any former DNIs who have testified about whistleblower complaints in the public?

MAGUIRE: Not to my knowledge, Ranking Member. I do not know.

NUNES: Are you aware of any cases like this that were put into the spotlight? Is -- would this be the way to handle it out in the public like this?

MAGUIRE: I am not aware of any. But I want to say, once again, I believe that the situation we have and why we're here this morning is because this case is unique and unprecedented.

NUNES: So, why are cases normally not handled out in the public?

MAGUIRE: All the other cases that came before either this committee or the Senate committee, whether or not they met the criteria of urgent concern, were forwarded because they involved members of the intelligence community who were, in fact, in organizations underneath the DNI's authority and responsibility.

This one just didn't come that way because it involved a member -- an individual who is not a member of the intelligence community or an organization underneath the authority of the DNI. So this one is different from all others in the past that I am aware of.

NUNES: So, I want to get into how this all got out in the public over the last -- this has basically been an orchestrated effort over -- over two weeks.

If you -- we were first told about it a week and a half ago, and we were told very specifically that the whistleblower did not want to get any of this information out, they didn't want it to leak out.

So there were only a few potential groups of people that would have known about this compliant: you and your people within your office...

MAGUIRE: Yes, sir.

NUNES: ... the people within the inspector general's office, and the whistleblower and whoever that whistleblower gave this information to.

So, what I'm trying to ascertain is, how would it run in all the mainstream outlets? How did they get -- even though they got a lot of it wrong, but they had the basics of it: that it involved the president of the United States talking to a foreign leader. So did anybody -- you or anybody in your office leak this to The Washington Post or NBC News?

MAGUIRE: Ranking Member, I lead the intelligence community; we know how to keep a secret.

As far as how that go into the press, I really do not know, sir. I just know that it's all over the place, and, as you said, it's been reported by different media for the past several weeks. Where they get their information from, I don't know.

NUNES: So that...

MAGUIRE: And it was not -- it was not from the intelligence community, from me or from my office.

NUNES: Thank you, Director.

So, this is not the first time this has happened to this president. It happened with a call between the Mexican president, the Australian prime minister -- so it's happened twice before, that pieces of transcripts leaked out. And, of course, this time it was leaked out again and the president -- thankfully he was able to put this out because of the -- because of the actions of this -- of the situation. As you said, that's unprecedented.

Is it normal for the president of the United States to have their conversations leak out? I mean, this is the third time.

MAGUIRE: I would have to leave that to the White House to -- to respond to that, Ranking Member. But to me, while -- the president of the United States conversation with any other head of state, I would consider privileged conversation.

NUNES: But clearly, I mean, those conversations are being captured by the intelligence agencies. So...

MAGUIRE: Not necessarily, sir. I mean, the -- if -- if the president...

NUNES: Well, I should say this: They're captured and then disseminated. They're captured and disseminated to the intelligence agencies.

MAGUIRE: I have to be careful in this open hearing about, you know, how I respond to that.

The intelligence community and the National Security Agency -- obviously, you know, they collect things that -- to protect...

NUNES: I just want to make sure, because I'm just -- I mean, are we just going to -- foreign leaders -- we're not even supposed to have either the president of the United States not talk to foreign leaders or we should just -- or publish -- just publish all the transcripts because that's what's happening here.

MAGUIRE: Ranking Member...

NUNES: And somebody's leaking this and it's likely coming from -- from the agencies that you oversee.

MAGUIRE: Ranking Member, no, that's -- that's -- sir...

NUNES: I'm not saying that -- you don't know, but we had the transcript of the Mexican president, the Australian prime minister and now contents of a call with the Ukrainian president leak out.

MAGUIRE: Ranking Member, the allegation in the whistleblower complaint was that there were about 12 people who listened in on the conversation, members of the National Security Council and others. And then others were briefed from State Department as well of the transcripts because they have an area of responsibility and a region responsibility then they would be informed on the interaction.

So there were number of people that -- from the White House briefed on the call. This would not be something that...

NUNES: Well, I'm quite -- I'm quite sure of this: The White House probably didn't leak this out.

MAGUIRE: I wouldn't say the White House, but there are individuals within the White House that may or may not. I don't know.

But it would not be from an intelligence intercept. I will say that.

NUNES: Right.

I'm not -- I'm just saying the dissemination -- the dissemination of these calls is supposed to be sacred, right? I mean -- and it is important for the State Department and the appropriate agencies to get. I'm not saying it's all in the intelligence agency. But when a president talks to a foreign leader, it's confidential. Those contents are confidential. There could be some facts of that conversation that you do want to get to the appropriate agency, not just the -- not just the I.C. -- I want to be clear about that.

But -- but this now the third time. I'm not aware of this ever happening before -- of -- of contents of calls like this getting out.

MAGUIRE: I -- I really don't know, Ranking Member. I'm not aware -- I don't have the numbers to take -- it just seems to me, though, that it is unprecedented.

And I would also say I think the decision by the president yesterday to release the transcripts of his conversation with the president of the Ukraine is probably unprecedented as well.

NUNES: Well, I appreciate you being here. And have fun. Be careful what you say, because they're going to use these words against you.

MAGUIRE: Well, I'll tell you what, Ranking Member, either way, I'm honored to be here and I'm honored to be leading the intelligence...

NUNES: And I appreciate your service to this country for a long time. And I'm sure we'll be talking again soon. Hopefully not in the public, hopefully behind closed doors like this is supposed to be done.

MAGUIRE: Thank you very much, Ranking...

NUNES: I yield back.

SCHIFF: Mr. Himes?

HIMES: Thank you, Mr. Chairman.

Director Maguire, thank you for being here. And thank you for your profound service and the service of your family to this country.

Director, what I find bewildering about this whole conversation is that we are not sitting here today and the American public is not aware of the allegations of the president asking for a favor of an investigation into his political opponent, we're not aware of the murky decision to withhold aid, we're not aware of Mr. Giuliani's apparent establishment of a personal State Department, we are not aware of a possible retaliation against a U.S. ambassador -- none of this happens but for the decision of your inspector general, Michael Atkinson, a man who was appointed by President Trump and confirmed by a Republican Senate, to come to this committee seven days after the complaint was required by law to be transmitted to us.

It was his decision -- personal decision. Not the kaleidoscope of fantabulistic conspiracy theories the ranking member thinks is happening here, but it was the decision of Michael Atkinson, an appointee of this president, to come to this committee, following not advice from you or any law, but following his own conscience. Without his decision to do this, none of this is happening, correct?

MAGUIRE: I applaud Michael -- I applaud Michael, the way he has done this. He has acted in good faith. He has followed the law every step of the way.

The question is, Congressman, does it -- did it or did it not meet the legal definition...

HIMES: No, no, sir.

I asked a very different question, which was without his decision -- it's a simple question: Without his decision, none of this is happening, is that correct?

MAGUIRE: Well, we got to back up to the whistleblower as well, so...

HIMES: OK. And I should have noted that the whistleblower also deserves the same accolades that -- that Mr. Atkinson does.

Director, were you ever advised by the White House not to provide this complaint to Congress for any reason?

MAGUIRE: No, Congressman.

HIMES: OK.

And as I understand it, the opinion was that you were not obligated to convey -- despite the very clear wording of the law, to convey the complaint to Congress. So the decision was taken to defy a subpoena of this Congress, the subpoena of September 17th, to turn over the complaint.

Who made the decision to defy that subpoena of September 17th?

MAGUIRE: Congressman, urgent concern...

HIMES: Sir, I'm asking you a very simple question.

MAGUIRE: Oh.

HIMES: Who made the decision to defy the congressional subpoena? Somebody said, we will not abide by the subpoena, and I'd like to know who that somebody was.

MAGUIRE: Congressman, nobody did.

I endeavored, once we no longer had urgent concern with the seven-day timeline, to work to get the information to the committee. What I needed to do was to get -- work

through the executive privilege hurdles with the Office of Legal Counsel at the White House.

Although this was the most important issue to me, you know, the White House has got quite a few other issues that they were dealt with. You know, I would have liked to have had, as I said to the chairman, that perhaps this moved a little faster than it did, but this is a very deliberate process and finally, you know, it came to a head yesterday.

So with -- you know, when I received the information, on the 26th of August, we had seven days based on the Whistleblower Protection Act. All we did was lose those seven days. It may have taken longer than we would have liked or you would have liked, but you have the information...

HIMES: So -- no, sir, I'm focused on the subpoena.

MAGUIRE: Yes, sir.

HIMES: The subpoena's on your desk. It's a subpoena of the Congress of the United States. It's pretty clear in what it asks for. You're saying that a decision was never taken not to comply with that subpoena and yet somehow it wasn't complied with.

I'm -- I'm again, I'm looking for the decision-making process to ignore a legal congressional subpoena.

MAGUIRE: Congressman, I did not ignore it. I dealt with the chairman of this committee and asked to have one more week to be able to do what I needed to do to get this information released. He was gracious enough and this committee was also very supportive.

It wasn't something that it was ready to go, but I was committed -- fully committed to this committee and to the chairman to get that information, and I finally was able to provide that yesterday.

HIMES: OK, thank you, Director.

Director, did you or your office ever speak to the president of the United States about this complaint?

MAGUIRE: Congressman, I'm -- I'm the president's intelligence officer. I speak with him several times throughout the week.

HIMES: Sir, let me repeat my question. Did you ever speak to the president about this complaint?

MAGUIRE: My conversations with the president, because I'm the director of national intelligence, are privileged and it would be inappropriate for me, because it would destroy my relationship with the president in intelligence matters, to -- to divulge any of my conversations with the president of the United States.

HIMES: But just so we can be clear for the record, you are not denying that you spoke to the president about this complaint?

MAGUIRE: What I'm saying, Congressman, is that I will not divulge privileged conversations that I have as the director of national intelligence with the president.

HIMES: Has the White House instructed you to assert that privilege?

MAGUIRE: No, sir.

That's just a member of the executive committee -- I mean, executive branch, as a member of the National Security Council and also the Homeland Committee. You know, I just have to maintain the discretion and protect the conversation with the president of the United States.

HIMES: Thank you, Director. I appreciate that answer.

Apparently the clock is broken, but I will yield back the balance of my time.

MAGUIRE: Thank you, Congressman.

SCHIFF: Mr. Conaway?

CONAWAY: Thank you, Mr. Chairman.

Admiral, thank you for being here. You and I are at a competitive disadvantage because neither of us are lawyers. And that might be a badge of honor for some of us. You have lawyers on your staff, sir?

MAGUIRE: I do, Congressman.

CONAWAY: And your lawyers have looked at this urgent concern definition thoroughly and have given you advice?

MAGUIRE: Yes, Congressman.

CONAWAY: If the black letter law was so clear in black letter, how is it that we've got different attorneys giving you and I different opinions? That's a rhetorical question, with respect to this issue.

Just to clarify, Mike Atkinson was in a group in front of us last week; did a very good job of telling us what he did, what he didn't do. We now know for sure what it is that he was able to do.

As part of his investigation, he did not request records of the call from the president. And the reason he did, is he cited the difficulty of working through all of that would have probably meant that he couldn't comply with the 14-day time frame. So even he did not try to overrun the White House's executive privilege over the conversation that the president had with the President Zelensky.

He also said in his letter, "I also determine" -- this is quoting Michael -- "I also determined that there were reasonable grounds to believe that information relating to the urgent concern appeared credible." Now, that's a different statement than a flat-out, It's credible. Just again, a rhetorical statement.

Is there anything, a statute from your lawyers advising you, that says that the determination of urgent concern lies solely with the ICIG?

MAGUIRE: No, sir. I was never advised by my legal counsel to that effect.

CONAWAY: All right.

Has -- to your knowledge, has the Justice Department ever weighed in to say that the fact that DNI can't make a separate decision with respect to the seven-day process that the matter is not of urgent concern, as you -- as your team decided?

MAGUIRE: The matter of urgent concern is a legally defining term. It's pretty much either yes or no.

CONAWAY: Well, apparently that's not the case, Admiral. Because the I.G. said it was, and -- and you're saying it's not under that legal definition because it involved the president.

Last time I checked, you're pretty familiar with chains of command, I know. He's not - you're not -- he's not in your chain of command, you're in his chain of command. So for very definite reasons that appear to be credible, it doesn't mean the statutorily urgent concern definition with respect to the whistleblower protections of the I.G. And your team made that -- made that call. The inspector general made a different call.

MAGUIRE: No, sir. My team...

(CROSSTALK)

MAGUIRE: It was the Department of Justice Office of Legal Counsel that made the determination that it was not urgent concern.

All we wanted to do was just check and see. And to me, it just seemed prudent, with the matter at hand right now, to be able to just make sure that, in fact, it did.

And when it didn't, I want to say once again, I endeavored to get that information to this committee.

CONAWAY: OK, so just to clarify the role that the -- that the inspector general had with respect to the Department of Justice, I heard you say that he was involved in the conversations, allowed to make his case, but also said you gave him the letter -- gave the Justice Department the letter.

What was his exact involvement in making his case to Justice Department to his decision? Was he there present physically or his lawyers there?

MAGUIRE: To the best of my knowledge, the ICIG's transmittal letter as well as the complaint from the whistleblower were forwarded to the Office of Legal Counsel for their determination. I believe that that is what they based their opinion on.

CONAWAY: OK. So you don't think he...

MAGUIRE: If I'm incorrect, I will come back to the committee and correct that, sir.

CONAWAY: OK. Appreciate that.

You're in a tough spot. Appreciate your long, storied history. I apologize if your integrity was insulted. That happens in this arena a lot; sometimes justified and most of the time not. And yours -- the assault on your integrity was not justified.

It's just -- the fact that we have differences of opinion -- when we start losing those differences of opinion, we start to attack each other, call each other names and those kinds of things.

And so my experience is, when you've got a legal matter, I've got lawyers I pay, you've got lawyers you pay. I typically stick with the lawyers that I'm paying. And so you had good legal advice on this issue in a really tough spot, wanting to make sure this whistleblower was protected but at the same time that if, in fact, there was something awry here, that it would be -- get the full airing it's clearly getting.

So thank you for your service.

And I yield back.

MAGUIRE: Thank you very much, Congressman.

SCHIFF: Ms. Sewell?

SEWELL: Thank you, Mr. Chairman.

And, Director Maguire, thanks so much for being here.

I want to turn to what I fear may be one of the most damaging long-term effects of this whistleblower episode, and that is the chilling effect that it will have on others in government who may witness misconduct but now may be afraid to come forward to report it. Sir, I'm worried that government employees and contractors may see how important this situation has played out and decide it's not worth putting themselves on the line.

The fact that a whistleblower followed all of the proper procedures to report misconduct and then the Department of Justice and the White House seems to have weighed in to keep the complaint hidden is problematic, sir.

I want to know whether or not you see how problematic this will be in having a chilling effect on -- on members of the I.C. that you are sworn to represent and ostensibly protect.

MAGUIRE: Congresswoman, I think that's a fair assessment. I don't disagree with what you've said.

I have endeavored to transmit to the intelligence community my support to whistleblowers. And I'm quite sure that for at least two hours this morning, there are not many people in the intelligence community who are doing anything that's productive besides watching this.

SEWELL: Right. And so, my concern I think is a valid one: that, in fact, what has happened with this whistleblower episode will have a chilling effect.

I just also want to ask you, have you given direction to this whistleblower that he can, in fact -- or he or she -- can, in fact, come before Congress?

Director, when the president called the whistleblower a political hack and suggested that he or she was potentially disloyal to the country, you remained silent. I'm not sure why, but I also think that that adds to the chilling effect.

The statute seems pretty clear that you shall -- everybody has a role to play. The process seems pretty clear. And part of it also includes you directing the whistleblower of his or her protected rights. Can you confirm that you've directed that whistleblower that he or she can come before Congress?

MAGUIRE: Well, Congresswoman, there are several questions there.

One, I do not know the identity of the whistleblower.

Two, now that the compliant has come forward, we are working with his Council in order to be able to provide them with security clearance.

SEWELL: So sir, I think it's pretty -- my question is pretty simple. Can you assure this Committee and the American public that the whistleblower is authorized to speak to the Committee with the full protections of the Whistleblower Act? Can you confirm that? That's a yes or no question.

MAGUIRE: Right now I'm working through that with the Chair, and to the best of my ability I believe the Chair is -- was asking to have the whistleblower to come forward, and I'm working with Council, with the Committee to support that request.

SEWELL: Can you assure the American public that the end result will be that the whistleblower will be able to come before this Committee and Congress and have the full protections of the Whistleblower -- after all, what is the Whistleblower statute for, if not to provide those full protections against retaliation, against litigation?

MAGUIRE: Congresswoman, I'm doing everything to endeavor to support that.

SCHIFF: Will the gentlewoman yield?

SEWELL: Yes.

SCHIFF: Director, do you have your assurance that once you work out the security clearances for the Whistleblowers Council, that that whistleblower will be able to relate the full facts within his knowledge, that concern wrongdoing by the president or anyone else?

That he or she will not be inhibited and what they can tell our Committee that there will not be some minder from the White House or elsewhere sitting next to them telling them what they can answer and not answer? To I have your assurance that the whistleblower will be able to testify fully and freely and enjoy the protections of the law?

MAGUIRE: Yes Congressman.

SCHIFF: Thank you. I yield back to the gentlewoman.

SEWELL: So, Mr. Director, I also wanted to understand what you're going to do to try to ensure the trust of the employees and contractors that you represent to assure the American people that the Whistleblower statute is, in fact, being properly adhered to and that no further efforts would be to obstruct an opportunity for a whistleblower, who has watched misconduct, to actually get justice?

MAGUIRE: Congresswoman, supporting and leading the men and women of the Intelligence Community is my highest priority. I don't consider that they work for me, as a Director of National Intelligence, I believe that I serve --

SEWELL: Well sir, I just want to say, and go on record as being very clear, that this will have a chilling effect and I -- this is exactly not what the statute was intended for. It was intended for transparency, it was pretended -- it was intended and also to give the whistleblower certain protections and I think the American people deserve that. Thank you.

MAGUIRE: Thank you Congresswoman.

SCHIFF: Mr. Turner.

TURNER: Director, thank you for being here.

MAGUIRE: Good morning Congressman.

TURNER: Thank you for your -- your service and the clarity at which you have described the deliberations that you went through in applying the laws with respect to this complaint. It is incredibly admirable in the manner which you've approached this.

Now, I've read the complaint and I've read the transcript of the conversation with the president and the President of the Ukraine. Concerning that conversation, I want to say to the president, this is not OK. It is -- that conversation is not OK and I think it's disappointing to the American public when they read the transcript.

I can say what else it is not. It is not what's in the complaint. We now have the complaint and the transcript, and people can read that the allegations of the complaint and the complaint are not the allegations of the subject matter of this conversation.

What else it's not, it's not the conversation that was in the Chairman's opening statement. And while the Chairman was speaking, I actually had someone text me, is he just making this up? And yes -- yes, he was. Because sometimes fiction is better than the actual words or the text, but luckily the American public are smart and they have the transcript, they've read the conversation, they know when someone's just making it up.

Now, we've seen this movie before. We've been here all year, on litigating impeachment, long before the July 25th conversation happened between the president and the President of Ukraine. And we've heard the clicks of the cameras in this Intelligence Committees room, where we've not been focusing on the issues of the national security threats, but instead of the calls and for impeachment, which is really an assault on the electorate, not just this president.

Now the complaint we now have, Mr. Director, is based on heresy. The person who wrote it says, I talked to people and they told me these things. And the American public has the transcript and the complaints, so they have the ability to compare them. What's clear about the complaint, is it's based on political issues, Mr. Directory.

He's alleging, or she is alleging, that the actions of the president were political in nature. Now, that's my concern about how this applied to the Whistleblowers Statute. The Whistleblowers Statute is intended to better provide those in the Intelligence Community an opportunity to come to Congress when they're concerned about abuses of powers and laws, but it's about the Intelligence Community, it's about abuse of surveillance, about the abuse of the spy mechanisms that we have. It -- this is about actually the product of surveillance, somebody has been -- had access to surveillance that related the president's conversations and has brought this forward to us.

I'd like for you to -- to turn for a moment and tell us your thoughts of the whistleblower process and that the concerns as to why it has to be there, so that the Intelligence Community can be held accountable and we can oversight, because it certainly wasn't there to -- for oversight of the president. It was there for oversight for the Intelligence Community. So, if you could describe your thoughts on that.

And the -- I was very interested in your discussion on the issue of executive privilege, because the -- there's been much made of the fact that the law says on the Whistleblower Statute that you shall. Clearly you have a conflict of laws, when you have both the executive privilege and the issue of the -- of the word shall.

So first, could you tell us the importance of the Whistleblower Statute with respect to accountability of the Intelligence Community, and our role of oversight there? And then, your -- your process, your effects of being stuck in the middle where you have these conflicts of laws, Mr. Director?

MAGUIRE: Congressman, the Intelligence Community Whistleblower Protection Act is to apply to the Intelligence Community. And that at -- it pertains to financial, administrative or operational activities within the Intelligence Community in the -- under the oversight and responsibility of the Director of National Intelligence.

It does not allow a member of the Intelligence Community to report any wrongdoing that comes from anywhere in the federal government. And so with that, I do believe that that is about the Intelligence Whistleblower Protection Act was the best vehicle that the whistleblower had to use.

They came to me, and with discussion with our ICIG, who is a colleague, and the determination was made by the -- well, that he -- that he viewed that it was, in fact, credible and that it was a matter of urgent concern. And I just thought it would be prudent to have another opinion. I have worked with lawyers my whole career, whether it was the rule of armed conflict, the admiralty claims or rules of engagement, or just the uniform code of military justice, and I have found that different lawyers have different opinions on the same subject. We have nine justices in the Supreme Court.

More often than not, the opinions of five four, that doesn't mean that five are right and four are wrong. There are differences of opinion. But when this matter came to me, I have a lot of life experience.

I realized that the importance of the matter that is before us this morning, and I thought that it would be prudent for me to ensure that in fact it meant that statute before I sent it forward in compliance with the Whistleblower Protection Act. And I hope that responds to your question Senator--

TURNER: I yield back.

SCHIFF: As (inaudible), I want to mention that my colleague is right on both counts. It's not okay. But also my summary of the president's call was meant to be at least part in parody. The fact that that's not clear is a separate problem in and of itself.

Of course the president never said if I -- if you don't understand me, I'm going to say it seven more times. My point is that's the message that the Ukraine president was receiving in not so many words. Mr. Carson.

CARSON: Thank you, Chairman Schiff, thank you Director Maguire for your service. Director Maguire, this appears to be the first intelligence community whistleblower complaint that has ever, ever been withheld from Congress. Is that right, sir?

MAGUIRE: Congressman Carson, I believe that it -- it might be. And once again I said in my statement it is in fact as far as I'm concerned unprecedented.

CARSON: It is unprecedented, sir. I -- I -- do -- do you know why it's unprecedented? I think it's because the law that Congress at this very committee drafted really couldn't be clearer.

It states that upon receiving such an urgent complaint from the inspector general, you, the Director of National Intelligence quote "shall" end quoted forward it to the Intel Committees within seven days, no ifs, ands or buts.

And even when the IG has found complaints not to be an urgent concern or even credible, your office has consistency and uniformly still transmitted those complaints to the Intelligence Committees, is that right sir?

MAGUIRE: Congressman Carson, in the past, even if they were not a matter of urgent concern or whether they were not credible, they were forwarded.

But in each and every instance prior to this, it involved members of the intelligence community who are serving at organizations underneath the control of the DNI. This one is different because it did not meet those two criteria.

CARSON: Director, does executive privilege (inaudible) your mind or laws that regulate the intelligence community preempt or (inaudible) even the laws that safeguard, the security of America's Democratic elections and her democracy itself, sir?

MAGUIRE: No, Chairman Carson, it does not.

CARSON: Yeah -- no -- no -- notwithstanding, director, this unambiguous mandate and the consistent practice of your office that you withheld this urgent complaint from Congress at the direction of the White House and the Justice Department.

You followed their orders instead of the law. And if the inspector general had not brought this complaint to our attention, you and the Trump administration might've gotten away with this unprecedented action.

Sir, you released a statement yesterday affirming your oath to the constitution and your dedication to the rule of law. But I'm having trouble understanding how that statement can be true in light of the facts here. Can you explain that to us, sir?

MAGUIRE: Congressman Carson, a couple of things. The White House did not -- did not direct me to withhold the information, neither did the Office of Legal Counsel. That opinion is unclassified and has been disseminated. The question came down to urgent concern, which is a legal definition, it doesn't mean is it important, is it timely. Urgent concern met the certain criteria that we've discussed several times here, so we did not. And all that did, sir, was then (ph) just take away the seven days. Now, as I said before, just because it was not forwarded to this committee does not mean that it went unanswered.

The IC IG and the Justice Department referred it to the Federal Bureau of Investigation for investigation. So this is nothing (ph) -- and that was working while I was endeavoring to get the executive privilege concerns addressed so that it can then be forwarded. It was not stonewalling, I didn't receive direction from anybody, I was just trying to work through the process and the law the way it is written. I have to comply with the way the law is, not the way some people would like it to be. And if I could do otherwise, it would have been much more convenient for me, Congressman.

CARSON: And lastly, Director, as you sit here today, sir, do you commit to providing every single whistleblower complaint intended for Congress to the intelligence committees as required by the statute, sir?

MAGUIRE: If it's required by the statute, Congressman Carson, yes I will.

CARSON: That's good to know, sir. And -- and I certainly hope so because I think the unprecedented decision to withhold this whistleblower complaint from Congress, I think it raises concerns -- very serious concerns for us and for me and I think that we need to get to the bottom of this. I yield the balance of my time, Chairman. Thank you.

SCHIFF: Thank you, Congressman Carson.

CARSON: Thank you.

SCHIFF: How much time does the gentleman have remaining? 27 (ph)? OK. Well, Director, you were not directed to withhold the complaint, is that your testimony?

MAGUIRE: Yes, that is absolutely true --

SCHIFF: So you exercised your discretion to withhold the complaint from the committee?

MAGUIRE: I did not, sir. What I did was I delayed it because it did not meet the statutorily definition of urgent concern and I was working through --

SCHIFF: And director, you're aware -- you've spent a lot of time focusing on the definition of urgent concern. You're aware that the practice of your office has been that regardless of whether the complaint meets the definition of urgent concern, regardless of whether the Inspector General finds it credible or incredible, the complaint is always given to our committee. You're aware that's the unbroken practice since the establishment of your office and the Inspector General. Are very aware of that?

MAGUIRE: Chairman, every previous whistleblower complaint that was forwarded to the Intelligence Committee involved a member of the intelligence community and an organization under which the director of national intelligence had authority and responsibility.

SCHIFF: And but you're aware that the past practice has been -- we're talking about urgent concern here -- that whether you or the Inspector General, everybody believes it meets the statutory definition, the past practice has always been to give it to this committee. You're aware of that, right?

MAGUIRE: I am aware that this is unprecedented in this never --

SCHIFF: OK. And -- and --

MAGUIRE: And with that, sir, I agree. This has never happened before. But then again, this is a unique situation.

SCHIFF: But -- but you, Director, made the decision. You made the decision to withhold it from the committee for a month when the White House had made no claim of executive privilege, when the Department of Justice said you don't have to give it to them but you can, you made the decision not to.

MAGUIRE: That's not true, sir. What the Office of Legal Council said, that it does not meet the legal definition of urgent concern.

SCHIFF: So it said you're not required. It didn't say you cannot provide it, it said you're required to, that is, if you don't want to, we're not going to force you, you're not required but it didn't say you can't. Am I right?

MAGUIRE: What -- what it -- it allowed me -- and I just said that in my opening statement, but even so, it was referred to the FBI for investigation and I was endeavoring to get the information to you, Mr. Chairman, but I could not forward as a member the executive branch without executive privileges being addressed. And -- and I feel that the White House Counsel was doing the best that they could do in order to get that and it took longer than I would have liked, that's for sure. But that came to a -- a -- a conclusion yesterday with the release of the transcripts and because the transcripts were released that no longer was there a situation of executive privilege and I was then free to send both the inspector general's cover letter and the complaint to you.

At no time was there any intent on my part, ever, sir, to withhold the information from you as the chair, this committee or the Senate Intelligence Committee.

SCHIFF: Well, director, I wish I had the confidence of knowing that, but for this hearing, but for the deadline that we were forced to set with this hearing that we would have been provided that complaint. But I don't know that we would have ever seen that complaint. Dr. Wenstrup.

WENSTRUP: Thank you, Mr. Chairman and thank you, Mr. Maguire for being here today. You know, I think it's a shame that we started off this hearing with fictional remarks, the implication of a conversation that took place between a president and a foreign leader, putting words into it that did not exist, they're not in the transcript. And I will contend that those were intentionally not clear and the chairman described it as parody and I don't believe that this is the time or the place for parody when we are trying to seek facts.

Nor do those that were involved with the conversation agree with the parody that the chairman gave us. And unfortunately today, many innocent Americans are going to turn on their TV and the media's only going to show that section of what the chairman had to say. But I'm glad to know that many Americans have seen this movie too many times and they're tired of it. But let me get to some questions, sir, if I can. Let's go to the word credible. Credible does not mean proven true or factual, would that be correct in this situation?

MAGUIRE: I find no fault of your logic, Congressman.

WENSTRUP: OK, so, you know, the interpretation it was credible. But also, was that decision made by the IG before seeing the transcript of the conversation?

MAGUIRE: I believe that the IC IG conducted to his -- best of his ability the investigation. And he found to his ability that based on the evidence and discussing it with the whistleblower that he thought that in fact it was credible.

WENSTRUP: But the IG didn't necessarily have the transcript of the conversation?

MAGUIRE: He did not. No, he did not.

WENSTRUP: OK. OK, that's -- that's my question. So to another point, you know, one of the issues that arose out of the Russia investigation last Congress was a question over the latitude provided to the U.S. president to conduct foreign affairs. In 2017, I asked then-CIA Director Brennan how he viewed statements made by President Obama to Russian President Medvedev regarding having (ph) more flexibility to negotiate after his 2012 election, and President Medvedev replied that he would transmit the information to Vladimir and then Medvedev stood with President Obama. That was in an open hearing.

Director Brennan wouldn't entertain my question and insisted on not answering due to the fact that the conversation was between the heads of government. That's what he said. He further claimed he was avoiding getting involved in political partisan issues. Which brings me to a similar question related to this whistleblower complaint. One, you said this executive privilege is unwaverable, and I -- I think that's kind of consistent with CIA Director Brennan was implying.

MAGUIRE: Congressman, only the White House and the president can waive executive privilege. The president exerts gradual privilege and only the White House and the president can waive that.

WENSTRUP: So Director Brennan gave me the impression then that that was like, that's the rule, that's the laws so I have to go with that. But do you believe the president is entitled to withhold his or her communications from Congress if the conversation is used in a whistle-blower case?

MAGUIRE: I think that the president, when he conducts diplomacy and deals with foreign heads of state, he has every right to be able to have that information be held within the white House and the executive branch. And if -- yesterday, I think the transmission of the call is unprecedented, and it's also -- I think that other future leaders, when they interact with our head of state, might be more cautious in what they say and reduce the interaction that they have with the president because of that release.

WENSTRUP: So we may need to change our process here because I guess if a decision regarding executive privilege -- maybe it should be made prior to submitting the communication to Congress.

MAGUIRE: Well, either that -- I believe that this committee wrote the law. And based on what we're doing today, you know, perhaps it needs to be relooked. I don't know. I leave that to the legislative branch.

WENSTRUP: So also, we may need to change process. The 14 days, that might be kind of tough to adhere to. So I think maybe, you know, this is special circumstance, unprecedented, maybe there should be some leeway in the time frame instead of the narrow 14 days. And I don't know if you know, did you feel or did the I.G. ever say that they felt rushed to making a decision because of the 14-day process?

MAGUIRE: No, congressman. I believe he's a very experienced inspector general. He's used to dealing with the 14-day process. And when you work under a timeline like that, he worked with his staff, and I think endeavored to the extent because he was following the statute as he believed it was written. So I would think any prudent lawyer would like to have more time to be able to collect the facts and do other things, but Michael Atkinson was under the 14-day timeline, and he did the best of his ability to comply with that.

WENSTRUP: Did you feel rushed in any way, sir?

MAGUIRE: I did not.

WENSTRUP: Thank you. I yield back.

MAGUIRE: Thank you, congressman.

SCHIFF: Ms. Speier.

SPEIER: Thank you, Mr. Chairman. And thank you, Director Maguire, for your extraordinarily long service to our country. At any point during this process, did you personally threaten to resign if the complaint was not provided to the committee?

MAGUIRE: No, congressman, I did not. And I know that that story has appeared quite a bit, and I issued a statement yesterday.

SPEIER: All right, thank you. When you read the complaint, were you shocked at all by what you read?

MAGUIRE: Congresswoman -- excuse me -- as I said, I have a lot of life experience. I joined the Navy...

SPEIER: I understand your record. Could you just answer it?

MAGUIRE: Well, I realized -- I realized full well, full and well, the importance of the allegation, and I also have to tell you, congressman -- congresswoman, when I saw that, I anticipated having to sit in front of some committee, sometime to discuss it.

SPEIER: All right. The complaint refers to what happened after the July 25th conversation between the Ukraine president and the president of the United States. The White House lawyers ordered other staff to move the transcript from its typical repository to a more secure location in order to lockdown -- and that was the term used in the complaint -- all records of the phone call. Did you -- did that reaction to the transcript seem to you like a recognition within the white House that the call was completely improper?

MAGUIRE: Congresswoman, I have no firsthand knowledge of that. All I have is the knowledge that the whistle-blower alleges in his allegation, the whistle-blower

complaint. I don't know whether, in fact, that is true or not. My only knowledge and situational awareness of that is from the whistle-blower's letter.

SPEIER: So knowing that the whistle-blower appeared to be credible based on the evaluation by the inspector general and knowing that effort was undertaken by the White House to cover it up, why would you then, as your first action outside of the intelligence community, go directly to the White House to the very entity that was being scrutinized and complained about in the complaint? Why would you go there to ask their advice as to what you should do?

MAGUIRE: Congresswoman, the allegation that is made by the whistle-blower is secondhand information, not known to him or her firsthand.

SPEIER: Except, Mr. Maguire, it was determined to be credible. There was an investigation done by the inspector general. Let me go on to another issue. President Trump, over the weekend, tweeted, it appears that an American spy in one of our intelligence agencies may have been spying on our own president. Do you believe that the whistle-blower was spying on one of our intelligence agencies or spying on the president?

MAGUIRE: As I said several times so far this morning, I believe that the whistle-blower complied with the law and did everything that they thought he or she thought was responsible under the intelligence community whistle-blower protection act.

SPEIER: But you did not speak out to protect the whistle-blower, did you?

MAGUIRE: Congresswoman, I...

SPEIER: Yes or no, sir.

MAGUIRE: I did, yes. I did within my own work force. I thought there was enough stuff that was appearing out in the press that was erroneous, that was absolutely incorrect, and I didn't think that I needed to respond to every single statement that was out there that was incorrect. So what I did is...

SPEIER: All right, thank you.

MAGUIRE: My loyalty is to my work force.

SPEIER: I appreciate that, thank you. The president on Monday said, who is this so-called whistle-blower? Who knows the correct facts? Is he on our country's side? Do you believe the whistle-blower is on our country's side?

MAGUIRE: I believe that the whistle-blower and all employees who come forward in the ICIG to raise concerns of fraud, waste, and abuse are doing what they perceive to be the right thing.

SPEIER: So working on behalf of our country. Are you aware of the fact that whistle-blowers within the federal government have identified waste, fraud, and abuse of over \$59 billion that has had the effect of benefiting the taxpayers and keeping our country safe as well?

MAGUIRE: Congresswoman, I'm not familiar with the dollar value, but having been in the government service for nearly four decades, I am very much aware of the value of the program.

SPEIER: Thank you. Let me ask you one final question. Did the president of the United States ask you to find out the identity of the whistle-blower?

MAGUIRE: I can say, although I would not normally discuss my conversations with the president, I can tell you emphatically, no.

SPEIER: Has anyone else within the White House or the Department of Justice asked you?

MAGUIRE: No, congresswoman. No.

SPEIER: Thank you. I yield back.

MAGUIRE: You're welcome, ma'am.

SCHIFF: Mr. Stewart.

STEWART: Mr. Maguire, thank you for being here today. I want you to know the good news is I'm not going to treat you like a child, and I'm going to give you a chance

to answer your questions if I ask you something. I want to thank you for your service, and I'd like you to remind me -- you said it earlier -- how many years of service, military service do you have?

MAGUIRE: I have 36 years of service in the United States Navy, 34 of those as a Navy S.E.A.L.

STEWART: That's great, 36 years, 34 years as a Navy S.E.A.L. I had a mere 14 years as an Air Force pilot. I proudly wear these Air Force wings. These are actually my father's Air Force wings. He served in the military as well, as did five of his sons. And for someone who hasn't served in the military, I don't think they realize how deeply offensive it is to have your honor and your integrity questioned. Some on this committee have done exactly that.

They even accused you of breaking the law, and I'm going to read just one part of many that I could from the chairman. This raises grave concerns that your office, together with the Department of Justice and possibly the White House, have engaged in an unlawful effort to protect the president. And there's others that I could read. As I believe they've sought to destroy your character. So I'm going to give you the opportunity to answer very clearly. Are you motivated by politics in your work or professional behavior?

MAGUIRE: Excuse me, sir?

STEWART: Are you motivated by politics in your work or your professional behavior?

MAGUIRE: No, congressman. Not at all.

STEWART: I'm just going to leave it there.

MAGUIRE: I am not. I am not political. I am not partisan. And I did not look to be sitting here as the acting director of National Intelligence. I thought that there were perhaps other people who would be best and more qualified to do that, but the president asked me to do this, and it was my honor to step up, and forever how long I'm doing it, to lead and support the intelligence community.

STEWART: Okay, thank you. Do you believe you have followed the laws and policies in the way you've handled this complaint?

MAGUIRE: I do. I know I do.

STEWART: Have you in any way sought to protect the president or anyone else from any wrongdoing?

MAGUIRE: I have not. What I have done is endeavored to follow the law.

STEWART: Thank you. Do you believe you had a legal responsibility to follow the guidance of the Office of Legal Counsel?

MAGUIRE: The opinion of the office of legal counsel is binding on the executive branch.

STEWART: Thank you. Now, there's been a big deal made about the fact that this is the first whistle-blower complaint that has been made that this is the first whistle-blower complaint withheld from Congress but it's also true, isn't it, that it's the first whistle-blower complaint that potentially falls under executive privilege and it's the first time that it included information outside of the authority of the DNI, is that true?

MAGUIRE: To the best of my knowledge, congressman, that is correct.

STEWART: I will say to my colleague sitting here, you're nuts if you think you're going to convince the American people that your cause is just by attacking this man and by impugning his character when it's clear he felt there's a discrepancy, a potential deficiency in the law, he was trying to do the right thing. He felt compelled by the law to do exactly what he did. Yet the entire tone here is that somehow you're a political stooge who has done nothing but try to protect the president, and I just think that's nuts.

And anyone watching this hearing is surely going to walk away with the clear impression that you are a man of integrity who did what you felt was right regardless of the questions and the innuendo cast by some of my colleagues sitting here today. I'd like one more thing before I yield my time. I think we can agree that leaks are unlawful and that leaks are damaging, and for heaven's sakes we've seen plenty of that over the past three years and there's a long list of leaks that have had clear implications for our national security, meaningful implications for our national security. I want to know, do you know who is feeding the press information about this case, and have you made any referrals to the Department of Justice for unlawful disclosures?

MAGUIRE: Yes, sir.

STEWART: Do you know who is feeding information about this case?

MAGUIRE: No.

STEWART: Do you think it would be appropriate to make a referral to Department of Justice to try to determine that?

MAGUIRE: I believe that anybody who witnesses or sees any wrong doing should refer any wrong doing or complaint to the Department of Justice for investigation.

STEWART: Including investigation about leaks?

MAGUIRE: That is correct.

STEWART: Of classified information?

MAGUIRE: Yes, congressman, any wrong doing.

STEWART: I don't know what time it is because our clock isn't working. I suppose my time is up. But I would conclude by emphasizing one again, good luck convincing the American people this is a dishonorable man sitting here. Good luck convincing the American people that he has done anything other than what he thinks is right. If you think it scores political points with your friends who have wanted to impeach this president from the day he was elected, then keep going down that road.

MAGUIRE: Thank you, congressman.

SCHIFF: I would only say, director, no one has accused you of being a political stooge or dishonorable. No one has said so, no one has suggested that.

STEWART: You've accused him of breaking the law, Mr. Chairman.

SCHIFF: But it is -- but it is -- but it is certainly our strong view, and we hope it would be shared by the minority, when the Congress says that something shall be done, it

shall be done, and when that involves the wrong doing of the president. It is not an exemption to the requirement of the statute and the fact that the whistle-blower has been left twisting in the wind for weeks, has attacked by the president should concern all of us, Democrats and Republicans, that this was allowed to come to be that allegations this serious were withheld from this committee. That should concern all of us. No one is suggesting that there is a dishonor here, but nonetheless, we are going to insist that the law be followed.

QUIGLEY: Mr. Chairman, will yield?

SCHIFF: Mr. Quigley.

QUIGLEY: Thank you, sir, for your service and being here. As you know those in public life who deal with other countries, ambassadors, those in the intelligence field, they're vetted, go for approval before the Senate, they have to get clearance, you understand the policy reasons for that, correct?

MAGUIRE: Yes, sir.

QUIGLEY: Do you have any problem with civilians without approval, without vetting, without clearance, taking on those roles?

MAGUIRE: Yes, I do, congressman.

QUIGLEY: Why would you have those concerns?

MAGUIRE: Well, in order to be -- in order to be able to handle sensitive information, whether it be diplomatic or certainly intelligence information, one must be vetted. This is the important part of protecting national security. And in order -- we just can't bring people in and automatically wave a magic wand to put security clearance on them, it's a matter of vetting. For me to come into government the FBI went back for 15 years in my background, examined all of my financial records to make sure that I was, in fact, worthy of having an intelligence clearance. And we do the same thing with the intelligence community.

Everybody who is subject or everybody who is privileged to have access to intelligence information is a sacred trust. The American people expect us to keep them safe as I said earlier. In order to do that we need to do that, we need ensure that any

person who has access to this sensitive information of the United States has been thoroughly vetted to ensure that they are able to handle that information.

QUIGLEY: It's not just the intel issues, it's the issues of national policy that people have an official role they carry out on behalf of the -- the United States and we know what their role is, correct?

MAGUIRE: Yes congressman.

QUIGLEY: What is your understanding right now of what Mr. Giuliani's role is?

MAGUIRE: Mr. Congressman -- Congressman Quigley, I respectfully just referred to the White House to a comment on the president's personal lawyer.

QUIGLEY: OK. So, so far what I've declaimed is you see that he's his personal lawyer. We read in the complaint, we read in this modified transcript, he's mentioned five times. Your reaction to the fact that this civilian, without any of this vetting, has played this role?

MAGUIRE: No sir. All I'm saying is that, I know what the allegations are. I'm not saying that the allegations are true and that's where the Committee --

QUIGLEY: Well, I don't think there's any question the credibility of the complaint in -- that's in the transcript. The president mentions and speaks highly of Mr. Giuliani, a highly respected man, he as the Mayor of New York, a (inaudible). I would like him to call you. I will ask him to call you, along with the Attorney General. Your action of a civilian dealing with these (ph)?

In the complaint it talks about our national security. That -- the Inspector General talks about this as the highest responsibility among those that the DNI has, and obviously Mr. Giuliani is playing this role. To your knowledge, does he have security clearance?

MAGUIRE: I don't know. Congressman Quigley, I'm neither or unaware whether or not Mr. Giuliani has a security clearance.

QUIGLEY: Before this all happened, were you aware of his role or understanding what his role was, doing what you do?

MAGUIRE: Congressman Quigley, my only knowledge of what Mr. Giuliani does, I have to be honest with you, I get from TV and from the news media. I am not aware of what he does, in fact, for the president.

QUIGLEY: Are you aware of his -- any communication by Mr. Giuliani and your office, about how he should proceed with this role, given the classified nature, the national security implications that are in the complaint, that are in the transcript, in the role that he is playing?

MAGUIRE: Well, I -- I have read the transcripts just as you have, so my knowledge of his activity in there is just limited to the conversation that the president had with the President of Ukraine.

QUIGLEY: So, we respect your role, and while we have difference of opinion, we continue to respect your integrity and your honor, but we have all this vast amount of this experience you have and we need to understand how it plays -- juxtaposition with the complaint. I'm reading, an OMB official informed departments and agencies that the president, earlier that month, had issued instructions to suspend all U.S. security assistance to Ukraine. Your reaction to that?

MAGUIRE: Congressman Quigley, I think that anything that has to do with the president's lawyer in these matters should be referred to the White House and the president for that.

QUIGLEY: Well no, I'm just reading -- I'm just reading the complaint.

MAGUIRE: I lead -- I lead and I support the Intelligence Community and the 17 different departments and agencies underneath my leadership. I do not lead the president and I have no authority or responsibility over the White House.

QUIGLEY: But, you were aware, with all of your experience, at the fact that we have this relationship with Ukraine, that they are dependent upon us, and that this complaint doesn't concern you. You can't say that publicly that it concerns you?

MAGUIRE: There's a lot of things that concern me, I'm the Director of National Intelligence. And this one here, though, I just have to defer back to the conversation that the president had is his conversation. How the President of the United States wants to

conduct diplomacy is his business and I -- is not whether or not I approve it or disapprove of it, that is the president's business on how he wants to conduct that, sir.

QUIGLEY: The issue is whether it commits a crime and that bothers you?

SCHIFF: The time of the gentleman has expired. Director, you may complete your answer if you wish.

MAGUIRE: Excuse me, sir?

SCHIFF: If you wanted to respond, you may.

MAGUIRE: No, I'm fine. Thank you Chairman.

SCHIFF: Ms. Stefanik.

STEFANIK: Thank you Mr. Maguire. Thank you for being here. We appreciate your life of public service. My question relates to, prior to the transmission on August 26, from the I.G. to the DNI, were there any conversations that you had with the I.G. prior to August 26, related to this matter?

MAGUIRE: Congresswoman, there's been a lot that's happened in the last several weeks. As far as the timeline is concerned, I think that -- I'd like to take that and get back to you and give you a full chronology, if I may, on the actual timeline of events.

STEFANIK: That would be very helpful to this committee in terms of if there were any preliminary conversations, what was discussed and if there was any action taken as a result of those conversations.

I want to turn to the complaint itself, which is made public for the American -- for the American public to read and let me preface this by saying that I greatly appreciate your statement, that you believe the whistleblower is operating in good faith, I think that's very important for Americans to hear.

But on page one, and I'm not going to improvise for parody purposes, like the Chairman of this committee did, I'm going to quote it directly. On page one the complaint reads, quote, "I was not a direct witness to most of the events described."

This seems like a very important line to look into and I think the American public will have questions, in particular, about that line.

So, my question to you is, for the record, did the I.G. fully investigate the allegations into this complaint at this time? Has the I.G. fully investigated the allegations in this complaint?

MAGUIRE: As I said earlier, Congresswoman, I believe that the Intelligence Community Inspector General did a thorough investigation with the 14-day timeframe that he had, and under that timeline, to the best of his ability, made the determination that I was both credible and urgent. I have no reason to doubt that Michael Atkinson did anything but his job.

STEFANIK: Sure. So, when you talk about a full investigation, were the veracity of the allegations in the complaint looked into? There were many references to White House officials. Do you know if the I.G. spoke with those White House officials? Do you know if he investigated, again, the truthfulness of these allegations? Or, was it a preliminary investigation?

MAGUIRE: Congresswoman, I'd have to defer to the I.G. to respond to you on that. But to -- all I do know, although I do not know the identity of the whistleblower, I do know that Michael Atkinson had, in fact, discussed this with the whistleblower and found his complaint to be credible.

As far as who else he spoke with, I am unaware of what went on in Michael Atkinson's investigation into this matter.

STEFANIK: So, as of today, the only individual that we know the I.G. spoke with is the -- is the complainant, is the author and the whistleblower?

MAGUIRE: Congresswoman, what I'm saying is, I'm unaware who else Michael Atkinson may have spoken to. I'm just unfamiliar with his investigative process and everybody that he spoke to in this regard.

STEFANIK: Thank you for the answer on the record. Again, for the American public, they're going to have many questions as they read this complaint today, and because on page one it says no direct knowledge, I think it's very important that we conduct our - that we have questions answered for individuals that do have direct knowledge. And with that I yield back.

MAGUIRE: Thank you Congresswoman.

SCHIFF: Mr. Swalwell.

SWALWELL: Thank you. Mr. Maguire, do you agree that the definition of a cover-up is an attempt to prevent people from discovering a crime?

MAGUIRE: I'd say that's close. I mean, I'm sure there's other ones, but I don't disagree with that sir.

SWALWELL: And in the whistleblower's complaint, the whistleblower alleges that immediately after the president's call with the President of Ukraine on July 25, White House lawyers moved quickly to direct White House officials to move electronic transcripts from one computer system, where it was normally stored, to a secret classified information system, is that right?

MAGUIRE: Congresswoman -- excuse me, sir, I apologize -- Congressman --

SWALWELL: Is that what was alleged in the whistleblower complaint?

MAGUIRE: Congressman --

SWALWELL: Yes or no.

MAGUIRE: Sir, all I know is that the allegation --

SWALWELL: Is that what -- I'm asking you that. That's what's alleged.

MAGUIRE: That's the allegation.

SWALWELL: And you read that allegation and the first people that you go to after you read that allegation are the White House lawyers who are telling the White House officials who see this transcript and move into a secret compartmentalized system? Those are the first people you go to?

MAGUIRE: Well, let's say a couple of things --

SWALWELL: Is that -- yes or no?

MAGUIRE: Yes, but --

SWALWELL: OK, I'm going to -- I'm going to keep going here. So you get this complaint, Inspector General says urgent, credible, you have no wiggle room to not go to Congress and instead you send your concern to the subject of the complaint, the White House. So that the White House tell you after you sent your concern about privilege -- did they tell you to go to the Department of Justice next?

MAGUIRE: We -- my -- my team, my council in consultation with the intelligence community inspector general went to the Office of Legal Counsel.

SWALWELL: So --

MAGUIRE: And they -- we were not directed to do that. We --

SWALWELL: And Mr. Maguire, you said that this did not involve ongoing intelligence activities, however, the whistleblower says that this is not the first time that the president's transcripts with their leaders were improperly moved to an intelligence community codeword (ph) system. Is that a part of the allegation?

MAGUIRE: I believe that's in the letter and I will let the letter speak for itself, sir.

SWALWELL: Well, what can also speak for itself is that if a transcript of the foreign leader is improperly moved into an intelligence community classification system, that actually would involve your responsibilities, is that right?

MAGUIRE: Not necessarily. That is -- I do not -- it is not underneath my authority and responsibility, and once again, this is an allegation that has been made, does not necessarily mean that that is a true statement.

SWALWELL: And the allegation was determined to be urgent and credible by the Inspector General, is that right?

MAGUIRE: Yes it was.

SWALWELL: So would you also want to know, though, considering that you are the director of national intelligence and transcripts are being moved into a secret intelligence system whether other transcripts, perhaps maybe the president's phone calls with Vladimir Putin, with MBS of Saudi Arabia or Erdogan of Turkey or Kim Jong-un, would you want to know if those were also being improperly moved because the president is trying to cover-up something?

MAGUIRE: Congressman, how the White House, the office of the -- the executive office of the president and the National Security Council conduct their business is their business.

SWALWELL: Well it's actually your business to protect America's secrets, is that right?

MAGUIRE: It's all of ours, this committee as well.

SWALWELL: And if there's cover-up activity because the president is working improperly with a foreign government, that could compromise America's secrets, is that right?

MAGUIRE: Congressman, there is an allegation of a cover-up. I'm sure an investigation and before this committee might lend credits or disprove that. But right now, all we have is an allegation -- an allegation for secondhand information from a whistleblower. I have --

SWALWELL: And the department --

MAGUIRE: -- no knowledge on whether or not that is true and accurate statement.

SWALWELL: The Department of Justice opinion you relied upon said that you are not responsible for preventing foreign election interference, is that right? That was in the opinion.

MAGUIRE: What the Office of Legal Counsel did was over 11 pages --

SWALWELL: No, they -- they said (ph) --

MAGUIRE: -- wrote an (ph) opinion to finding and explaining their justification for it not complying with urgent (inaudible).

SWALWELL: Are you responsible for preventing election interference?

MAGUIRE: Election interference --

SWALWELL: By a foreign government.

MAGUIRE: Congressman, election interference --

SWALWELL: I hope you know this answer is yes or no. Are you responsible for preventing election interference?

MAGUIRE: My -- my -- my -- election interference is --

SWALWELL: Boy, I really -- I really hope you know the answer.

MAGUIRE: -- is the top -- it is the priority of the intelligence community?

SWALWELL: Is it your priority though?

MAGUIRE: Yes it is.

SWALWELL: OK. So this complaint also alleges a shakedown with a foreign government by the United States President involving a rogue actor, as Mr. Quigley pointed out, who has no clearance, no authority under the United States and an effort by the White House to move the transcript of this call to a secret system. Is that right? That's at least what's alleged.

MAGUIRE: Congressman, I believe that election security is my most fundamental priority. However, this complaint focused on the conversation by the president with another foreign leader, not election security.

SWALWELL: I yield back. Thank you.

MAGUIRE: Thank you, Congressman.

SCHIFF: And if that conversation involved the president requesting help in the form of intervention in our election, is that not an issue of interference in our election?

MAGUIRE: Chairman, once again, this was sent to the Federal Bureau of Investigation --

SCHIFF: No, I understand that but -- but you're not suggesting, are you, that the president is somehow immune from the laws that preclude a U.S. person from seeking foreign help in a U.S. election, are you?

MAGUIRE: What I -- I am saying, Chairman Schiff, is that no one, none of us is above the law in this country.

SCHIFF: Mr. Hurd.

HURD: Thank you, Chairman. (Inaudible), it's a pleasure to be here with you. I tell all my friends all the time that I've gotten more surveillance as a member of Congress than I did as an undercover officer in the CIA and I think you've gotten more arrows shot at you, you know, since you've been DNI than you did in your almost four decades on the battlefield. A specific question. The letter that's contained in the whistleblower package is actually dated August 12 and I recognize this maybe a better question to be asking the IC IG. That letter is dated August 12 and it's to the chairman of the Senate Select Committee on Intelligence and to the chairman of this committee. Do you know if the whistleblower provided that letter to those two chairmen concurrently with the IC IG?

MAGUIRE: No, Congressman, as I said earlier, I believe that the whistleblower and the IC IG acted in good faith and followed the law every step of the way.

HURD: Good -- good -- good copy. We've talked about the way the law on -- on -- on the whistleblower statute is -- -- is says you shall share if it's designed to be an urgent concern, however, best practice has always been to share regardless of whether that urgent concern. Do you see any reason -- negative impact on the intelligence community if that legislation was changed to say all whistleblower complaints should be shared with -- with the committees?

MAGUIRE: That -- that's correct. And -- and in addition to that, Congressman, I mean, let's just say the allegation was made against a member of this committee. I -- you know, members of this committee, although you are the Intelligence Committee, are not members of the intelligence community and as the DNI, I have no authority or responsibility over this committee.

HURD: But my -- my question is do you think that if every whistleblower complaint that was brought to the Intelligence Community Inspector General was always shared with this committee, would that have any impact on intelligence equities? And I ask that because I don't know why, when the statute was written, that it didn't say all should be shared rather than only urgent concern. And my question to you, as the head of the Intelligence Community, do you think if we change that law, would it have impact on intelligence equities.

MAGUIRE: I don't think that law could be changed to cover all things that might possibly happen. I think we have a good law. I think it is well-written. However, as I said, Congressman, this is unprecedented and this is a unique situation why this one is -- why we're sitting here this morning.

HURD: Sure. And I hope we're not in this position in, however, if we do find ourselves in this position again, I want to make sure that there's not any uncertainty in when information should be shared to this committee. Was the ODNI or under you or under your predecessor aware of an OMB decision to suspend Ukrainian aid, as was alleged in this complaint?

MAGUIRE: As far as I am concerned personally, Congressman, no, I have no knowledge of that and I am unaware if anybody within the ODNI is aware of that. I just don't know the answer to that.

HURD: When, and I apologize for a lot of these legal questions that may be best directed at somebody else, but if feel like you have a perspective. When does OLC - Office of Legislative...

MAGUIRE: Legal Counsel.

HURD: Legal Counsel, excuse me, guidance override laws passed by Congress?

MAGUIRE: The Office of Legal Counsel does not override laws passed by Congress. What it does is it passes legal opinion for those of us who are in the executive branch and the Office of Legal Counsel legal opinion is binding to everyone within the executive branch.

HURD: Good copy. And I have two final questions and I'm going to ask them together to give you the time to answer ...

MAGUIRE: Yes, Sir.

HURD: ... them both. What is your assessment of how intelligence operations in general are going to be impacted by this latest episode and when I say episode I'm referring to the media circus, the political circus, the technical issues that are related to this whistleblower revelation. You alluded to it in some of your previous questions but I would like your -- your assessment on how this could impact intelligence operation in the future and I do believe this is your first time testifying to Congress in your position, right? And I would welcome in the end, I know this is off - a little off topic, what do you see are greatest challenges and threats to this country as the Director of National Intelligence?

MAGUIRE: Well let me answer the later part of that. I think that the greatest challenge that we face is not necessarily from kinetic strike with Russia or China or Iran or North Korea. I think the greatest challenge that we do have is to make sure that we maintain the integrity of our election system. We know right now that there are foreign powers who are trying to get us to question the validity on whether or not our laws -- our elections are valid. So first and foremost, I think that protecting the sanctity of our elections within the United States, whether it be national, city , state, local, is perhaps the most important job that we have with the intelligence community.

Outside of that, we do face significant threats. I'd say number one is not necessarily kinetic but cyber. This is a cyber world (ph). We talk about whether - not the great competition is taking place with Russia and China and we are building ships and weapons to do that but in my estimation, the great competition with these countries is taking place right now and is doing that in the cyber...

HURD: And my time is, I think, running out but the broader implications on intelligence operations of this current whistleblower situation.

MAGUIRE: Well I will tell you in light of this, I clearly have a lot of work as the leader of this community to do - to reassure my - to reassure the intelligence community that in fact, I am totally committed to the Whistleblower Program and I'm absolutely - absolutely

committed to protecting the anonymity of this individual as well as making sure that Michael Atkinson who is our ISIG continues to be able to do his job unfettered. But I think that with that, I certainly have to be proactive in my communications with my team.

HURD: Mr. Chairman, I yield back the time I may or may not have.

SCHIFF: Mr. Castro.

CASTRO: Thank you Chairman. Thank you Director Maguire for your testimony today. I want to say thank you also to the whistleblower for having the courage and the bravery to come forward on behalf of the nation. Thank you to Mr. Atkinson also, the inspector general, for his courage in coming forward to Congress.

You mentioned that you believe that the whistleblower's report is -- is credible, that the whistleblower is credible, that the whistleblower acted in good faith. You've had a chance now as we have and I believe the American people have had an opportunity to review both the whistleblower complaint and the transcript was released of the phone call between the President of the United States and the President of the Ukraine. You've read both documents by now haven't you?

MAGUIRE: Yes, Congressman.

CASTRO: Would you say that the whistleblower's complaint is remarkably consistent with the transcript that was released?

MAGUIRE: I would say that the that the whistleblower's complaint is in alignment with what was released yesterday by the of the president.

CASTRO: OK. I want to read you a quick section of both to underscore exactly how accurate and consistent this complaint is. On page 2 of the whistleblower's complaint, the whistleblower says, "According to White House officials who had direct knowledge of the call, the president pressured Mr. Zelensky to..." and then there's a few bullet point. The first one says, "Initiate or continue an investigation into the activities of former Vice President Joseph Biden and his son, Hunter Biden..." and the third bullet point, "Meet or speak with two people the president named explicitly as his personal envoys on these matters, Mr. Giuliani and Attorney General Barr to whom the president referred multiple times in tandem."

In the transcript that was released on page 4 of the first paragraph into what looks like the third sentence, "President Trump says the former ambassador from United States, the woman was bad news and the people she was dealing with in the Ukraine were bad news. So I just want to let you know that. The other thing, there's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that. So whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution," et cetera.

Do you have reason to doubt what the whistleblower has brought forward?

MAGUIRE: Getting back into Michael Atkinson's determination on whether or not was credible or urgent concern, as the D&I, it is not my place to ensure that it is credible. That is the ICIG's job as the inspector. He has determined that it is credible. My only trouble was that in fact it involves someone who is not in the intelligence community or in an organization under which I have authority and responsibility. Outside that,...

CASTRO: But Director Maguire, you agree that it involved intelligence matters, it involved an issue of election interference, it involved an investigation of U.S. persons including a former vice president. If you had knowledge or the CIA had knowledge that a government was going to investigate or drum up an investigation against a former vice president, would that not - that wouldn't qualify as an intelligence matter? Would that qualify as an intelligence matter, yes or no?

MAGUIRE: Well I don't mean to say that's kind of a hypothetical question, Sir.

CASTRO: I don't think it's hypothetical, that's exactly what's in the transcript. That's what he's asking for.

MAGUIRE: What the complaint - the complaint.

CASTRO: But that's what the president is asking the President of the Ukraine to do. He's asking the President of the Ukraine to investigate a former Vice President of the United States. Does that qualify as an intelligence matter that the CIA would want to know?

MAGUIRE: The conversation was by the president to the President of the Ukraine as you know and it is - I am not...

CASTRO: But, Mr. Maguire, I understand that that cannot be -- that cannot be an ultimate shield against transparency. It can't be an ultimate shield against accountability. The president is not above the law. One thing that you haven't told us is if -- if -- if your office or if the inspector general is not able to investigate, then who is able to investigate.

MAGUIRE: Congressman Castro, once again sir; as I mentioned several times so far; although it did not come to the committee, the complaint was referred to the Judicial Department for criminal investigation. This was not swept under the rug.

CASTRO: I have -- I have one more question for you. Why did your office think you should appeal the I.G.'s determination about quote, unquote urgent concern to the DOJ. That has never been done before. It's never been done before.

MAGUIRE: This is unprecedented in that in the past that there has never been a matter that the inspector general has investigated that did not involve a member of the intelligence community or an organization that the director of national ...

CASTRO: One -- one last point I would make with respect to -- you keep saying the president is not part of the intelligence community. I believe he is. The president, you agree, has the ability to declassify any single intelligence document. Do you agree that's true?

MAGUIRE: The president has original classification authority.

CASTRO: How then -- how is that person outside of the intelligence community?

MAGUIRE: It's because he's the president of the United States above the entire Executive Branch.

CASTRO: Thank you.

MAGUIRE: Thank you, Congressman.

SCHIFF: Mr. Ratcliffe.

RATCLIFFE: Thank you, Chairman. Admiral, good to see you.

MAGUIRE: Good to see you again, sir.

RATCLIFFE: You served in the Navy 36 years. You commanded SEAL Team 2 and you retired as Vice Admiral of the Navy, correct?

MAGUIRE: That's correct, Congressman.

RATCLIFFE: All right. And despite the fact that after that service you became acting DNI 23 days after the Trump/Zelensky call and four days after the whistleblower made his or her complaint you were subpoenaed before this committee after being publicly accused of committing a crime, correct?

MAGUIRE: Yes, Congressman.

RATCLIFFE: Chairman Schiff wrote a letter on September 13th accusing you of being part of a quote, unlawful cover up. And then the Speaker of the House took it one step further. She went on national T.V. and said not once, but twice that you broke the law, that you committed a crime.

She said the Acting Director of National Intelligence blocked him, meaning the ICIG from disclosing the whistleblower complaint. This is violation of the law. You were publicly accused of committing a crime. You were also falsely accused of committing crime as you have so accurately related, you were required to follow not just an opinion of what the law is but the opinion from the Justice Department.

And 11 page opinion about whether or not you were required by law to report the whistleblower complaint, correct?

MAGUIRE: That's correct, Congressman Ratcliffe.

RATCLIFFE: And that -- and that opinion says the question is whether such a complaint falls within the statutory definition of urgent concern that the law requires the DNI to forward to the intelligence committee. We conclude that it does not. Did I read that accurately?

MAGUIRE: Yes.

RATCLIFFE: I better have, right. That's an opinion not from Bill Barr. That's an opinion from the Department of Justice ethics lawyers. Not political appointees but career officials that serve Republicans and Democrats.

The ethics lawyers at the Department of Justice that determine that you did follow the law. So you were publicly accused, you were also falsely accused and yet here today, I haven't heard anything close to an apology for that. Welcome to the House of Representatives with Democrats in charge.

Let me turn to the matter that we're here for. A lot of talk about this whistleblower complaint. The question is at this point, given what we have, why all the focus on this whistleblower. The best evidence of what President Trump said to President Zelensky is a transcript of what President Trump said to President Zelensky.

Not casting aspersions on the whistleblowers good faith or their intent, but a second hand account of something someone didn't hear isn't as good the best evidence of what was actually said. And to that point, despite good faith, the whistleblower is in fact wrong in numerous respects.

And I know everyone's not going to have time to read the whistleblowers complaint but the whistleblower says that I am deeply concerned, talking about the president, that there was a serious or flagrant problem, abuse, or violation of the law.

The whistleblower then goes on to say I was not a direct witness to the events described. However, I found my colleagues accounts of this to be credible. And then talking about those accounts of which this whistleblower complaint is based on, the whistleblower tells us the officials that I spoke with told me.

And I was told that and I learned from multiple U.S. officials that and White House officials told me that. And I also learned from multiple U.S. officials that. In other words, all of this is second hand information.

None of it is firsthand information. The whistleblower then goes on to cite additional sources besides those secondhand information. Those sources happen to include mainstream media. The sources that the whistleblower basis it's complaints on include the Washington Post, the New York Times, Politico, The Hill, Bloomberg, ABC News and others.

In other words, much like the steel dossier, the allegations in the whistleblowers complaints are based on third hand mainstream media sources rather than firsthand information.

The whistleblower also appears to allege crimes not just against the president but says with regard to this scheme to solicit interference from a foreign country in the 2020 election that quote; the president's personal, Mr. Rudolph Giuliani, is a central figure in this effort and Attorney General Barr appears to be involved as well.

But buried in a footnote a couple of page -- a couple of pages later the whistleblower admits I do not know the extent to which, if at all, Mr. Giuliani is directly coordinating his efforts on the Ukraine with Attorney General Barr.

The Attorney General does know because he issues a statement yesterday saying there was no involvement. My point in all of this is again, the transcript is the best evidence of what we have.

And so that the American people are very clear what that transcript relates is legal communications. The United States is allowed to solicit help from a foreign government in an ongoing criminal investigation, which is exactly what President Trump did in that conversation.

So if the Democrats are intent on impeaching the president for lawful conduct, then be my guest. I yield back.

MAGUIRE: Thank you, Congressman Ratcliffe.

SCHIFF: Mr. Heck.

HECK: Thank you, Mr. Chairman. Director, thank you for being here, sir. Thank you very much for your service. I want to step back a little bit and kind of put into perspective; I think what's at stake here. Obviously, yesterday the White House released the transcript of that July 25 conversation between President Trump and President Zelensky.

And we now know that this phone call was indeed a part of the whistleblower complaint. Yesterday the Chair at a press conference characterized the president's conversation and that call as a shakedown of the Ukrainian leader.

He was not suggesting that it was a shakedown for either information or money but instead it was a shakedown for help to win a presidential election, which is coming up next year. So, now let's press rewind to May 7, of this year, when FBI Director Christopher Wray testified before the United States Senate that, and I'm quoting now, any public official or member of any campaign should immediately report to the FBI, any conversations with foreign actors about, quote, "influencing or interfering with our election."

And Director Wray is, of course, the top cop in the United States of America. You agree with Director Wray, do you not, sir?

MAGUIRE: Congressman Heck, I do not disagree with Director Wray.

HECK: Is that the same thing is you agree with him sir?

MAGUIRE: Yes.

HECK: OK, thank you. Let me go on, fast forward --

MAGUIRE: It was referred -- it was referred to the FBI.

HECK: Let me fast forward --

MAGUIRE: Yes sir.

HECK: Was it referred to the FBI by the president, who actually engaged in the conversation?

MAGUIRE: The --

HECK: No, it was not. Let me fast forward to June 13, when -- that's five weeks in advance to that, when the Chair of the Federal Elections Commission made the following statement, follow me please, let me make something 100 percent clear to the American public and anyone running for public office, it is illegal for any person to accept, solicit or receive anything of value from a foreign national in connection with the U.S. election. This is not a novel concept.

Election intervention from foreign governments has been considered unacceptable since the beginnings of our nation. Do you agree with the FEC Chair Weintraub, Mr. Director?

MAGUIRE: I agree that our elections are sacred and we -- any interference from an outside source is -- is just -- not what we want to do.

HECK: And to solicit or accept it is illegal?

MAGUIRE: I don't know about that, I'm not a lawyer, sir. I don't mean to be evasive, but I can't --

HECK: So, you think it is OK for a public official to solicit or maybe OK? You do not know the law in this regard? You think it may be OK for a candidate or an elected official to solicit foreign interference in our election? I can not believe you're saying that. You're not really saying that, right?

MAGUIRE: I'm not saying that Congressman Heck, at all.

HECK: So, we should note that the FEC Chair was prompted to say this because it was just literally -- literally the day before that the President of the United States sat at the resolute desk, in the most iconic room in the United States, the Oval Office and said that FBI Director Wray was wrong. You're obviously disagreeing with that.

He also said that he'd be -- he would consider accepting foreign help, and, of course, yesterday we learned that the president did, in fact -- did, in fact, do exactly that, solicited that help.

Director, whether it's this president or any president, do you believe it is OK for the President of the United States to pressure a foreign country into helping him or her win an election?

MAGUIRE: Congressman Heck, I believe that no one is above the law and we've discussed what we think applies to the law.

HECK: So, it is illegal to solicit?

MAGUIRE: No, I can't answer that. That's, again sir --

HECK: I can't reconcile your two statements. Is it OK for a president to pressure -- any president to pressure a foreign government for help to win an election?

MAGUIRE: It is unwarranted, it is unwelcome, it is bad for the nation to have outside interference, any foreign --

SCHIFF: Thank you.

HECK: And by extension, it would be equally unacceptable to extort that assistance as well?

MAGUIRE: I mean, all I know is that I have the transcripts, as you have. I have the whistleblower complaint as you have and --

HECK: I wasn't referring to the whistleblower complaint, but if any president were to do this, and I accept your answer, I think it's (inaudible) unacceptable, Director.

MAGUIRE: Yes sir.

HECK: I think it's wrong and I think we all know it. I think we were taught this at a very young age, and there's a voice within most of us, unfortunately, evidently, not all of us, that suggests that it is wrong. It is illegal and it is wrong. And I think you sir. And with that, I yield back.

MAGUIRE: But, Congressman, if I may just ask -- answer, once again --

HECK: I've run out of time, sir.

MAGUIRE: Sir, no you've got -- oh --

SCHIFF: Director, you may answer.

MAGUIRE: Thank you.

SCHIFF: Director, go ahead. Feel free to respond.

MAGUIRE: Once again, it was referred to the Federal Bureau of Investigation.

HECK: Not by the president.

MAGUIRE: No. By the -- by this office --

HECK: Right.

MAGUIRE: -- and by the Office of Legal -- by the ICI (ph) --

HECK: Director Wray said that any candidate or elected official should immediately report it. He didn't say that the Director of ONI should report it, although you should and you did, thank you. But the person involved did not do what Director Wray said should occur, period.

MAGUIRE: Thank you Congressman.

HECK: Thank you, sir.

SCHIFF: Mr. Welch.

WELCH: Thank you. Director, I want to say thank you. There's nobody in this room who can claim to have served their country longer and more valiantly than you. And I heard in your opening remarks that your family, before you, has been committed to this country. And I say, thank you.

Second, I appreciated your candor when, in your opening statement, you acknowledged that the whistleblower acted in good faith. And third, I appreciated your acknowledgement that the Inspector General also acted in good faith and according to his view of the law.

And I want to say this, when you said you were in a unique position, that's an understatement. You've got a complaint involving the President of the United States and

also the United States Attorney General. I disagree with some of the decisions you made, but I have no doubt, what so ever, that the same sense of duty that you applied in your long and illustrious career, guided you as you made these decisions. So, thank you for that.

But I want ask a few questions about the extraordinary document that came to your attention. The DNI has jurisdiction over foreign interference in our elections, correct?

MAGUIRE: That's correct.

WELCH: And of course, you're aware, as we all are, of the Mueller Report and his indictments against 12 foreign nationals, Russians, who actively interfered in our election, correct?

MAGUIRE: I have read the report, yes Congressman.

WELCH: So, it's just a huge responsibility that your agency has. Correct? And in this case, because of the two things you mentioned, that the president is the one person that's above the Intelligence Community and your sense about executive privilege, you didn't -- you did not forward the complaint to us, correct?

MAGUIRE: I did not -- yes, Congressman Welch, because I was still working with the White House --

WELCH: No, I understand that. You -- you've been very clear on that.

MAGUIRE: Yes sir.

WELCH: But, let me just ask a hypothetical, just to show the dilemma that you were in. Let's say a U.S. Senator, who is well connected, or a private citizen really well connected, had access to and had a conversation, as a result of that, with a foreign -- the leader of a foreign country, and asked that person for a favor, of the U.S. Senator, let's say, of providing dirt on a political opponent. Is that something that you would see that should be forwarded to this committee?

MAGUIRE: Congressman I don't mean to be disrespectful but it's very difficult to answer hypothetical questions but I'm -- I'm not sure I understand --

WELCH: Well I won't make it hypothetical, let's say instead of being a conversation between President and the President of Ukraine, who is a U.S. Senator who, let's say was the head of the Foreign Relations Committee and was asking for the foreign leader --

MAGUIRE: I understand, Sir.

WELCH: So would you forward that to our committee?

MAGUIRE: Sir, that would not be -- once again I think I mentioned that a little bit early in our conversation, that the United States Senator is not a member of the intelligence community. And the director of national intelligence does not have the authority and responsibility for the U.S. Senate. So any wrongdoing in that regard should be referred to the Department of Justice for criminal investigations.

WELCH: Well, I'd respectfully disagree with you because obviously that would be a solicitation by that U.S. Senator for interference in our elections and that's in your jurisdiction, correct?

MAGUIRE: Well, it -- election -- election interference as a date (ph) yes Congressman Welch.

WELCH: OK, and --

MAGUIRE: Well once again congressman, although it is as far as what the legal responsibility to do in compliance with the intelligence reform -- act, the whistle blowing protection act, it does not -- the statute does not allow for that to be done.

WELCH: Well, I disagree with that --

MAGUIRE: Yes sir. (ph)

WELCH: But here's the dilemma that you are in and we're in, but we're going to now be able to follow up because executive privilege if it existed was waved. Under your approach, as you saw it, it means that no one would be investigating the underlying conduct because in this case executive privilege applies -- or may apply, and number two, the president who had the conversation is above the law. So that's a dilemma for a democracy, is it not?

MAGUIRE: The complaint was sanctioned the (ph) Federal Bureau of Investigation, totally disregarding any concern for --

WELCH: No. (ph)

MAGUIRE: -- executive privilege.

WELCH: I understand -- but the -- the Federal Bureau of Investigation never did a follow up investigation, right?

MAGUIRE: I -- I believe that they have concluded the investigation, I'm not sure in addition to being involved with this matter here, I also have other pressing matters --

(CROSSTALK)

WELCH: -- And --

MAGUIRE: -- director (ph) I apologize.

WELCH: -- in (ph) the Justice Department, but by Mr. Barr who is a subject of the complaint is the department that provided the opinion that there's no action to be taken.

MAGUIRE: I believe that the Attorney General was mentioned in the complaint --

WELCH: Correct.

MAGUIRE: -- not necessarily subject of the complaint, sir.

WELCH: You know, well, he was --

(LAUGHTER)

WELCH: -- he was mentioned.

MAGUIRE: Yes sir.

WELCH: Alright, I yield back, thank you.

MAGUIRE: Congressman Welch, thank you.

WELCH: Thank you.

SCHIFF: Mr. Maloney.

MALONEY: Director Maguire, what was your first day on the job?

(LAUGHTER)

MAGUIRE: My first day on the job was Friday the 16th of August, and I think I set a new record in the administration for being subpoenaed before any other --

MALONEY: Yes, you had a -- you had a heck of a first week, didn't you sir?

MAGUIRE: Not (ph) that much going for me sir.

MALONEY: The complaint is dated August 12th. Whatever else you've done right in your career sir; your timing is -- is -- it's got (ph) to be something you worried (ph) about.

MAGUIRE: Congressman, I think that Dan Coats timing is better than mine.

(LAUGHTER)

MALONEY: Sir, look, there's been a lot of talk here today about the process, I -- I -- I just want to just summarize a couple of things, if that's OK?

MAGUIRE: Yes sir.

MALONEY: And so your -- your -- in your first couple days on the job, sir, you're -- you're hit with this complaint. And -- and it says that the President of the United States pressured a foreign leader to help him investigate a political opponent and -- and that political opponents son, in fact. That that president asked the foreign leader to -- to work with private citizen Mr. Giuliani and the Attorney General of the United States, Bill Barr, on that scheme.

And the president at that time, not in dispute, was withholding \$391 million of assistance, holding over that Ukrainian president's head. That Ukrainian president raises in the conversation how -- U.S. military assistance, javelins (ph), defensive weapons. He's got Russian troops in his country. The wolf is at the door.

The president asks for a favor, complains about Ukrainian reciprocity, not getting enough from you, that's what reciprocity is, right? We've got to get something from you if we're giving something to you. He names the political opponents by name, the Bidens.

The Ukrainian president says he'll do it, that he'll do the investigation. That's what you're hit with. And you're looking at that complaint, that in the second paragraph alleges serious wrongdoing by the President of the United States and the first thing you do is go to the president's men at the White House, and women, and say, should I give it to Congress.

And in the second paragraph of that complaint, sir, it also suggests the Attorney General could be involved. And the second thing you do is go to the Attorney General's people at the Justice Department and ask them if you should give it to Congress.

Sir, I have no question about your character, I've read your bio, I have some questions about your decision and the judgment in those decisions. See any conflicts here?

MAGUIRE: Congressman Maloney, I've -- I have a lot of leadership experience, I do. And as you said, it came to me very early on in this. The fact that I was just -- I am the acting DNI and I was still using Garmin to get to work, that this came to my attention involving the President of the United States and the important matter of this. In the past, as I said before, I have always worked with legal counsel, because of the magnitude and the importance of this decision --

MALONEY: But sir, if I may --

MAGUIRE: -- I just -- sir, as a -- as a -- as a Naval Officer for years, I just thought it would be prudent --

MALONEY: I understand the prudent point.

MAGUIRE: And I also want to say, sir, if I may, my life would have been a heck of lot simpler without becoming the most famous man in the United States.

MALONEY: Don't doubt that at all, sir. My question, sir, is when you were considering prudence, did you think it was prudent to give a veto power over whether the Congress saw this serious allegation of wrongdoing to the two people implicated by it? Is that prudent?

MAGUIRE: I have to work with the situation as it is, Congressman Maloney. Only the White House can determine or waive executive privilege. There is no one else to go to, and as far as a second opinion, my only avenue of that was to go to the Department of Justice Office of Legal Counsel.

MALONEY: And you understand -- you understand, sir, that if unchallenged by your own Inspector General, your decision, that prudence would have prevented these serious allegations from ever reaching the Congress. Quick question, in response to Mr. Himes, I think you left the door open, that you spoke to the President of the United States about this whistleblower complaint. Sir, did you speak personally to the President of the United States at any time about this complaint?

MAGUIRE: Congressman, once again, I am the president's Intelligence Officer. I speak to the president. I can -- I cannot say one way --

MALONEY: Mr. Director, I know you speak to the president a lot, it's a simple question, sir. Did you speak to him about this whistleblower complaint, yes or no?

MAGUIRE: Congressman Maloney, my conversation with the President of the United States is privileged.

MALONEY: So, you're not denying that you spoke to the president? I'm not asking for the contents, sir. I don't want the content. Did you or did you not speak to the president about this whistleblower complaint?

MAGUIRE: I speak to the president about a lot of things and anything that I say to the President of the United States in any form is privileged --

MALONEY: Not asking for the content. Are you denying that you spoke to the president?

MAGUIRE: I am just telling you once again, I speak to the president, and anything I say to the president is confidential.

MALONEY: Thank you, sir.

MAGUIRE: Sir -- that's the way it is.

MALONEY: I understand. Thank you.

SCHIFF: And Director, you understand, we're not asking about your conversations with the president about national security, about foreign policy, about the National Counter Terrorism Center? We just want to know, did you discuss this subject with the president? And you can imagine what a profound conflict of interest that would be.

Did you discuss this subject, this whistleblower claim with the president? You can say, I did not discuss it with him, if that's the answer, that doesn't portray any privilege. And you can say, I did discuss it with him, but I'm not going to get into the content of those conversations. That question you can answer.

MAGUIRE: Chairman Schiff, once again, you know, my conversation, no matter what the subject is, with the President of the United States is privilege conversation between the Director of National Intelligence and the president.

SCHIFF: Ms. Demings.

DEMINGS: Thank you so much Mr. Chairman and Director Maguire, thank you for being here with us today. Thank you for your service.

MAGUIRE: Good morning, Congresswoman.

DEMINGS: I know you said that you took your first oath in 1974.

MAGUIRE: Yes ma'am.

DEMINGS: That's -- that's a long time, but a long time to be proud of the service. I took my first oath in 1984, when I was sworn in as a law enforcement officer, and I thank you so much for saying that public service is a sacred trust, because regardless of the circumstances or who's involved, public service is a sacred trust.

I've had an opportunity, as a law enforcement officer, I'm a member of Congress now, but to investigate internal cases involving other personnel. I've had an opportunity to investigate numerous other cases, criminal cases, and never once, just for the record, Director Maguire, did I ever go to the suspect or the defendant of the principle in those cases to ask them what I should do in the case.

There's been a lot of talk this morning, the whole discussion, the whole reason why we're here centered around -- centers around the U.S. relationship with Ukraine. I think you would agree that Ukraine is very dependent on the United States, in terms of assisting them in defending themselves.

Could you, based on your many years of experience in the military, and now in your new position, talk a little bit about that relationship and how important it is for that United States to assist Ukraine if they're ever going to be able to defend themselves.

MAGUIRE: Yes, Congresswoman, I think that the United States has been extremely supportive of the Ukraine. I would say that they are relying on us, as they rely on other people in Europe, and I -- I would also say that the United States is probably paying more of their fair share for the support of Ukraine than the others.

The threats are real for the Ukrainian people and the stake of freedom and democracy is also, even though it's in the Ukraine, is also very much a concern --

DEMINGS: So, based on that, you would say, Ukraine probably could never get there without the support and the assistance of the United States or from the United States of America?

MAGUIRE: I would say, that if others were willing to step up and support, they might be able to get there.

DEMINGS: But, they are not. We are -- we are -- we're there, and so, I think you've said it would be difficult for Ukraine to meet that goal of defending themselves without our support, correct?

MAGUIRE: I would say it would be a challenge, yes Congresswoman.

DEMINGS: This complaint outlines a scheme by the President of the United States and I'm not really sure what to call Rudy Giuliani these days, what his role is, maybe he's the new fixer, I'm not sure, but either way, it involves a scheme to coerce Ukraine, this country that you say is so very dependent on the United States to defend themselves, to coerce Ukraine into assisting the president's reelection efforts in 2020. And the report from your inspector general, the memo that was sent to you, it says on July 18 the Office of Management and Budget official informed the departments and agencies that the president earlier that month had issued instructions to suspend all U.S. security assistance to Ukraine.

Neither OMB, nor the NSC staff knew why this instruction had been issued. During interagency meetings on the 23rd of July and the 26th of July, OMB officials again stated explicitly that the instruction to suspend this assistant had come directly from the president.

But they were not -- but they were still unaware of a policy rationale. So the 23, 26 -- on the 18th this issue first came up where the president was -- or resending -- or suspending that assistance that you said Ukraine so desperate depends on.

Director Maguire, we deal in what's reasonable here. And I believe you inspector general included that in the report because this whole issue is about Ukraine's position, relationship with the United States.

Their dependency on the United States and the president's efforts to coerce Ukraine into engaging in an illegal and improper investigation. Do you believe that's why your inspector general added that about suspending their support to Ukraine?

MAGUIRE: I think that Atkinson found it to be credible and he viewed that it was a matter of urgent concern to forward to this committee.

DEMINGS: Do you think it's reasonable for the American people and for this committee on both sides to believe that there is a correlation or a nexus between the president suspending the aid and the conversation that took place on the -- the follow up conversation.

MAGUIRE: Congresswoman -- yes, Congresswoman, that is the allegation that is made and I did not have access to the transcripts. My only information was the ICIIGs cover letter and the allegation -- whistleblower allegation. The other information coming to light yesterday, as released by the president, changes things in a different light.

DEMINGS: Mr. Chairman, may I just ask one -- just quickly very -- one more quick question.

SCHIFF: Without objection.

DEMINGS: My understanding is that the attorney -- the inspector general is a career intelligence person. He's worked in the Department of Justice, he's received numerous awards for outstanding exemplary performance. Did you have any reason to deny or not believe his conclusions in every area of this report that he was directly involved in?

MAGUIRE: Congresswoman, Michael Atkinson is a valued and trusted colleague. I respect him tremendously. The question came down to as we just over and over again, urgent concern and whether or not the intelligence community Whistleblower Protection Act, as written, allows me to forward it to this committee. That's where I got stuck, ma'am, and I'm sorry.

DEMINGS: Thank you, Direct (ph).

MAGUIRE: Thank you, Congresswoman.

SCHIFF: Mr. Krishnamoorthi.

KRISHNAMOORTHY: Mr. Maguire, thank you so much for your service to our country and thank you for your patriotism. I want to ask you a couple questions about the time surrounding July 25 to the time that you came into office as DNI.

As you know the phone call between President Trump and the Ukrainian president happened on July 25 of this year, correct.

MAGUIRE: Right. (Inaudible) of July 25, I believe, sir.

KRISHNAMOORTHY: At least one of them happened on July 25. At that time the DNI was Dan Coats and his deputy was Sue Gordon. As you know, the whistleblower claim was filed on August 12 of this year and then you took office on August 16, four days later.

MAGUIRE: Yes, sir.

KRISHNAMOORTHY: Prior to taking your new job or since, did you discuss the July 25 call or the whistleblower complaint with DNI Coats?

MAGUIRE: I wouldn't have taken the job if I did. No, sir.

KRISHNAMOORTHY: And how about with Sue Gordon?

MAGUIRE: No, not at all. I don't believe -- to the best of my ability I do not think that either Director Coats or our principal deputy, Sue Gordon, have any sense what so ever about this whistleblower complaint or that Michael Atkinson had it.

KRISHNAMOORTHY: Before your current role did you discuss Ukraine with President Trump?

MAGUIRE: No, Congressman. I haven't discussed -- I haven't discussed Ukraine with anybody. Let me put it to you that way.

KRISHNAMOORTHY: You haven't discussed Ukraine with anybody in your current role as the acting DNI.

MAGUIRE: Well, as we -- intelligence reports, you know, we -- we've got about 190 countries out there. So whatever the president's daily brief is and matters that pertain to that. But as far as intelligence equities in that region right now, this has just not been something that has come to my attention in the six weeks that I've been the acting DNI.

KRISHNAMOORTHY: Now turning to the whistleblower and the inspector general, you don't know the identity of the whistleblower, right.

MAGUIRE: Congressman, I do not and I've made it my business to make sure that I do (ph).

KRISHNAMOORTHY: Correct. And you don't know his political affiliation, obviously.

MAGUIRE: I do not. I do not know this individual.

KRISHNAMOORTHY: Or her political affiliation. And of course you believe that the whistleblower was operating in good faith.

MAGUIRE: I do.

KRISHNAMOORTHY: And without biased.

MAGUIRE: I don't know about that. I do not know about that. I do believe that ...

KRISHNAMOORTHY: But you have no reason to believe that he or she was acting with biased, correct?

MAGUIRE: I just believe that the whistleblower was acting in good faith.

KRISHNAMOORTHY: But you have no reason to believe that the person was biased.

MAGUIRE: I would not know whether biased or not biased, sir. I just don't know.

KRISHNAMOORTHY: And of course you will do everything you can to protect the whistleblower from any attempts to retaliate against him or her, correct.

MAGUIRE: I will not permit the whistleblower to be subject to any retaliation or adverse consequences for going to the I.G. I am absolutely committed to that. Yes.

KRISHNAMOORTHY: And unlike the whistleblower you do know the inspector general, obviously.

MAGUIRE: Yes. And I hold him in high esteem.

KRISHNAMOORTHY: And like the whistleblower, he also operated in the highest faith, right?

MAGUIRE: I believe that Michael Atkinson -- yes. Yes. Yes.

KRISHNAMOORTHY: And -- and interestingly Mr. Atkinson was actually appointed by President Donald Trump, right.

MAGUIRE: Yes, he was. He's a president (inaudible) appointee.

KRISHNAMOORTHY: And what lends real credibility to the whistleblowers complaint is the fact that Mr. Atkinson, an appointee of the president, would actually bring forward a complaint against his boss.

And that's something that is especially courageous. What I want to hear from you is that you will also do everything you can to protect Mr. Atkinson from potential retaliation.

MAGUIRE: Congressman, absolutely.

KRISHNAMOORTHY: Very good. Now the White House released a memorandum of telephone conversation from the July 25, 2019 call; right?

MAGUIRE: I believe that was what was transmitted yesterday morning, sir.

KRISHNAMOORTHY: And they call that a telcon (ph) in the jargon of his (ph) memoranda. Is that right?

MAGUIRE: I -- I -- I'm familiar at this -- the first time I've seen the -- the transcript of a presidential conversation with a foreign leader.

KRISHNAMOORTHY: OK. Have you been ...

MAGUIRE: Telcon would be short for telephone conversation though.

KRISHNAMOORTHY: Exactly. And have you been a party to a conversation between the president and a foreign leader on a phone call.

MAGUIRE: When I am in the office to provide the intelligence brief to the president, some foreign head of state might call in. The president may either ask us to leave or just stay there for a brief call from time to time. Yes, sir.

KRISHNAMOORTHY: And there are note takers who actually scribble down furiously what's being said on those calls.

MAGUIRE: If -- if -- if they are note takers they would not be in room -- Oval Office with us. They might be listening somewhere else.

KRISHNAMOORTHY: Like from the situation room?

MAGUIRE: Right. I don't know where, but somewhere in the White House, yes.

KRISHNAMOORTHY: In this particular situation, maybe more than a dozen people were on the phone call?

MAGUIRE: That's the allegation, yes.

KRISHNAMOORTHY: They were all taking notes presumably?

MAGUIRE: If they're good public servants, yes, congressman.

KRISHNAMOORTHY: And were you ever a party to a call in which the notes that you took were then given to someone at the White House for keeping?

MAGUIRE: I have never been party to any call other than my own. I would take notes for my own -- at my level or as the director of the National Counter Terrorism Center, but I have never been privy to a conversation of the president where I would be involved in taking notes. It would just be happenstance, I happened to be there and he felt comfortable enough to leave me more a brief conversation. But it's not anything that I would be in that office particularly for that matter.

KRISHNAMOORTHY: Thank you for your service.

MAGUIRE: Thank you, congressman, very much. Thank you.

SCHIFF: I'd like to recognize the ranking member for any final questions he would have.

NUNES: Thank you, Mr. Chairman. Mr. Maguire, I just want to thank you for your attendance today. Congratulations for surviving legal word charade today. I expect hopefully we'll see you behind closed doors like this is to be done and I would just urge my colleagues on the other side of the aisle if they would like to impeach the president, they need to go to the floor of the House and actually call for a vote.

The Intelligence Committee is not an appropriate place to try articles of impeachment. So there is a process in the constitution that I would advise you all follow. In the meantime, Director Maguire, I want to apologize to you for being accused of crimes that you have not committed. It's totally inappropriate behavior for anyone to accuse someone that's served four decades like you. I hope you do not have to go through this any longer. With that, I yield back the balance of my time.

MAGUIRE: Thank you, ranking member, I appreciate it, sir.

SCHIFF: I have a few more questions just to follow up because I thought I heard you say a moment ago that you had no communication with the president on the subject of Ukraine. Did I understand you to say that?

MAGUIRE: I have not particularly had any conversation with anyone on the subject of Ukraine that didn't deal with the matter that we have right now in regard to the whistleblower complaint. So not particularly with the office of legal counsel as far as mentioning Ukraine or as far as the Justice Department. All I did was send the documents forward. The allegations are in there. I've just let the documents speak for themselves.

SCHIFF: So you're saying you did not have any conversation on the subject of Ukraine that did not involve this complaint?

MAGUIRE: That is correct, sir. I've been the acting DNI for six weeks.

SCHIFF: I'm just trying to understand, because that is suggestive that you did have a conversation involving the complaint with the president.

MAGUIRE: No, no, no. That is not what I said.

SCHIFF: Okay. Director, you mentioned early on when we were on the subject of what the inspector general was able to investigate or not investigate, whether the president is within the intelligence community or is subject to the intelligence community -- and by the way the statute doesn't require that the subject of the complaint be within the intelligence community. It requires a whistle-blower to be an employee or detailee, it doesn't require that the subject, the person complained of be an employee of the intelligence community.

But you have adopted an interpretation by the Justice Department that essentially says the president is above the director, therefore, the president is not subject to the jurisdiction of the director, therefore, it doesn't meet the definition of urgent concern, therefore, the inspector general is done. The inspector general can't investigate anymore. That's the inspector general's reading of the department opinion that he is no longer allowed to investigate that. Is that your reading as well?

MAGUIRE: Chairman, not necessarily the president, but the allegation has to relate to the funding and administration and operation of an intelligence activity with the responsibility and the authority of the director of National Intelligence.

SCHIFF: I'm just trying to get to whether the president is somehow beyond the reach of the law.

MAGUIRE: No, sir. No person in this country is beyond the reach of the law.

SCHIFF: That's the way it should be, but I'm trying to figure out if that's the way it is as a practical fact. The inspector general believes that based on the opinion that you requested of the Department of Justice, he is no longer allowed to look into this because it doesn't meet the definition of an urgent concern because it involves the president. Is that your understanding of the department opinion as well, that the inspector general no longer has jurisdiction to look into this?

MAGUIRE: It is my understanding that both the inspector general and I and my team are waiting -- we were waiting for the resolution of executive privilege to be determined. It is now no longer executive privilege. I'm not sure exactly what the statute has as far as what Michael can do, but we also are looking for a way -- now, if -- if I did not send it forward, as you know, under urgent concern within the seven days, then the statute would allow the whistleblower to come to you and still be protected.

SCHIFF: Director, my -- my point is this. The Department of Justice has said because this doesn't meet the statutory definition, because this involves the president, the inspector general has no jurisdiction to investigate. Now, if this inspector general has no jurisdiction to investigate because the president is above the agency, no inspector general has jurisdiction to investigate. That's the -- that is the effect of that opinion. Which -- do you disagree?

MAGUIRE: I believe that the opinion was based on the reading of the statute and whether or not the situation here is compliant and comes underneath the statute. The Office of Legal Counsel opinion was that based on the criteria that you're required to have in order to support this legal statute, it does not. And it also said that because of that, it is not a matter of the intelligence community. But once again...

SCHIFF: That's...

MAGUIRE: However you may go forward and I have.

SCHIFF: That's the key issue, director. Because it involves the president, it does not involve the intelligence community. That is the sum and substance. And the effect of that is the inspector general has told us that he no longer has jurisdiction to investigate and by the logic of that opinion, nor does any other inspector general. Now as you point out, this was referred to the justice department. It was referred to the FBI and Justice Department.

That department under Bill Barr and with breathtaking speed decided there's nothing to see here, decided that we don't believe that this constitutes a violation of the campaign finance laws and, therefore, we're not authorizing an investigation. The FBI is not authorized to investigate any of this, any of this. So the I.G.s can't do it, according to the Department of Justice, the FBI can't do it because it doesn't meet their threshold that makes it worthy of investigation. So at this point only this committee and this Congress is in the position to investigate. And I want to ask you going to the whistleblower complaint, whether you believe these allegations are worthy investigation. The whistleblower says I've received information from multiple U.S. government official that is the president of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election. You would agree that should be investigated, would you not?

MAGUIRE: Chairman, the horse has left the barn. You have all of the information. You have the whistleblower complaint. You have the letter from the ICIG. You have the office of legal counsel opinion.

SCHIFF: Yes but -- yes, we do, but would you agree that if there's a...

(CROSSTALK)

SCHIFF: You agree there should be an investigation?

MAGUIRE: I believe it is a matter to be determined by the chair and this committee.

SCHIFF: I'm asking you as a career military officer, someone who I greatly respect and I admire your service to the country, do you believe if there is a credible allegation by a whistleblower, corroborated by apparently multiple U.S. government officials, that the president of the United States is using the power of his office to solicit interference from a foreign country in the 2020 election, do you believe that should be investigated?

MAGUIRE: I don't believe it is corroborated by other folks. The whistleblower says that he spoke or she spoke to about a dozen other people. This is secondhand information. I'm not criticizing the whistleblower.

SCHIFF: Yes, but the inspector general took those two weeks, as you well told us, to corroborate that information. Now, we don't know which, if any, of these officials the inspector general spoke to and found it credible. You have told us you have no reason to believe otherwise, am I right?

MAGUIRE: I had no reason to doubt a career inspector general lawyer in his determination on whether or not it was credible. That is something for Michael to determine.

SCHIFF: And let me ask you this. The whistleblower also says over the past four months more than half a dozen U.S. officials informed me of various facts related to this effort to seek foreign interference. You would agree we should speak to those half a dozen foreign officials, would you not?

MAGUIRE: I believe you have all the material the committee needs and it's up to the committee how to proceed.

SCHIFF: Well I'm asking your opinion. As head of our intelligence agency, do you believe we should talk to people and find out if the whistleblower is right?

MAGUIRE: My responsibility is to get you the whistleblower letter, the complaint of the information released. I have done my responsibility. That is on the shoulders of the legislative branch and this committee.

SCHIFF: Well let me ask you this, director. The whistleblower also says I am also concerned that these actions pose risks to U.S. national security and undermine the U.S. government's efforts to deter and counter foreign interference in U.S. elections. You would agree if there is a credible allegation along those lines that we should investigate it?

MAGUIRE: I agree if there was election interference, the complaint was not about election interference, it was about a classified, diplomatic conversation...

SCHIFF: Involving election interference by the president -- sought by the president. That doesn't take it out of the realm of seeking foreign assistance. It makes it all the more pernicious, wouldn't you agree?

MAGUIRE: As I said, I don't disagree with the IGIC's assessment that it was a credible matter.

SCHIFF: The whistleblower further says, namely he, the president, sought to pressure the Ukrainian leader to take action to help the president's 2020 reelection bid. You would agree that should be investigated?

MAGUIRE: Not necessarily, sir. I mean, as far -- it was investigated by the Federal Bureau of Investigation.

SCHIFF: No, it wasn't.

MAGUIRE: Yes, it went to the...

SCHIFF: No, the Department of Justice concluded that this wouldn't violate the election laws. No one can understand how they could reach that conclusion after the two years we've been through. Nonetheless, they didn't authorize the FBI to investigate it. You would agree someone should investigate this, wouldn't you?

MAGUIRE: I referred it. If I didn't, I would not have referred it to the Justice Department and to the FBI.

SCHIFF: Then I'm glad that we're in agreement. The whistleblower says they told me that there was already a discussion ongoing with the White House lawyers about how to treat the call because of the likelihood in the officials retelling they had witnessed the president abuse his office for personal gain. You would agree that should be investigated, wouldn't you?

MAGUIRE: All I know is that's the allegation.

SCHIFF: Right. And it's credible and, therefore, should be investigated, right?

MAGUIRE: Again, it is hearsay, secondhand information. It should come to this committee for further investigation.

SCHIFF: Thank you.

MAGUIRE: You have it, you have the document.

SCHIFF: I just wanted to confirm that we're in agreement that you think the committee should investigate it. The whistleblower also says Donald Trump also expresses conviction that the new Ukrainian government will be able to quickly improve Ukraine's image and complete the investigation of corruption cases that have held back cooperation between Ukraine and the United States. This is the whistleblower citing the Ukrainian readout. You would agree if the Ukrainian readout, when they're talking about corruption cases, is talking about investigated Biden and his son and that has held back -- the failure to do that has held back cooperation between the two countries. That should be investigated, right? That's a national security...

MAGUIRE: Chairman, I don't agree with any of that. I did not agree that it should be investigated. What I said is I complied with my requirement to send you the documents (inaudible) and that it is up to the chair, the ranking member and these committee members to decide what to do with that information. I'm in no position to tell chair or the committee to not do an investigation or not do an investigation.

SCHIFF: OK. I find it remarkable that the director of National Intelligence doesn't think credible allegations of someone seeking foreign assistance in a U.S. election should be investigated. Let me ask you this. The whistleblower further says in the days following the phone call, I learned from multiple U.S. officials that senior white house

officials had intervened to lock down all the records of the phone call. Do you have any reason to believe that the whistleblower's allegation is incorrect?

MAGUIRE: I have no idea whether it is incorrect or correct, sir.

SCHIFF: Someone should find out though, right?

MAGUIRE: Excuse me?

SCHIFF: Someone should find out if it's correct, though, shouldn't they?

MAGUIRE: I don't know if that is an incorrect allegation. I mean, I just do not know. Again, that is the work -- that is the business of the executive branch, of the White House and the office of the White House...

SCHIFF: Corruption is not the business or it shouldn't be of the White House or anyone in it.

MAGUIRE: What the White House decides to do with their privileged communications and information, I believe, is the business of the White House.

SCHIFF: Do you believe that's true even if that communication involves crime or fraud? I'm sure you're aware that there's an exception to any claim of privilege, that privilege can't be used to conceal crime or fraud.

MAGUIRE: Any instance of crime or fraud or instances of wrongdoing should be referred to the Justice Department for investigation, as I did.

SCHIFF: The whistleblower further alleges that White House officials told the whistleblower they were directed by White House lawyers to remove the electronic transcript that is of the call from the computer system in which transcripts are typically stored. Instead, it was loaded into a separate electronic used to store classified information or information of an especially sensitive nature. One White House official described this act as an abuse of electronic (ph) system. I do not know whether similar measures were taken to restrict access to other records of the call, such as contemporaneous (ph) hand written notes taken by those who listened -- and we should find out, shouldn't we?

MAGUIRE: Chairman Schiff, when I received the letter from Michael Atkinson on the 26th of August, he concurrently sent a letter to the office of White House Counsel asking the White House Counsel to control and keep any information that pertained to that phone call on the 25th. It was a lengthy letter, Michael would be able to address it better, but I do believe that IC IG -- I know that the IC IG has sent the letter to the White House Counsel (ph) requesting that they keep all of that information.

SCHIFF: But you would agree that if there's a credible allegation from this credible whistleblower that White House officials were moving these records into a system that was not designed for that purpose in an effort to cover up essentially potential misconduct -- that -- that ought to be looked into, you would agree with that, wouldn't you?

MAGUIRE: I -- to the best of my knowledge, when this allegation came forward, this whistleblower complaint, on the 12th of August, I have no idea what the timeline was as far as whether or not the White House, the National Security Counsel, anybody involved in that conversation, what they did with the transcripts, where they put them, I just have absolutely no knowledge, nor the timeline of that Chairman. It is not something that would be under my authority or responsibility.

SCHIFF: The whistleblower makes a series of allegations involving Mr. Giuliani, sites a report in the (ph) New York Times about his planned trip to Ukraine to press the Ukrainian Government to pursue investigations that would help the president in his 2020 re-election bid. You would agree that if the president was instructing his personal lawyer to seek, again, foreign help in a U.S. presidential election that that would be improper -- I believe Mueller described such efforts to seek foreign assistance as unethical, unpatriotic, and very possibly criminal, would you agree with Director Mueller that -- that to seek foreign assistance that way would be unethical, unpatriotic, and very possibly a violation of law?

MAGUIRE: I believe that Mr. Giuliani is the president's personal lawyer, and whatever conversation that the president has with his personal lawyer I would imagine would be by client attorney privilege. I am in no position to criticize the President of the United States on how wants to conduct that, and I have no knowing of what Mr. Giuliani does or does not do.

SCHIFF: Let me ask you about a (ph) last couple allegations of the whistleblower. I learned from U.S. officials that on or around 14 May, the President instructed Vice President Pence to cancel his planned travel to Ukraine to attend President Zelensky's inauguration on 20 May. Secretary of Energy Rick Perry led the delegation instead. According to these officials, it was also made clear to them that the president did not want to meet with Mr. Zelensky until he saw how Zelensky "chose to act" in office.

I do not know how this guidance was communicated or by whom, I also do not know whether this action was connected with a broader understanding described in the unclassified letter that a meeting or phone call with the president -- that President Zelensky would depend on whether Zelensky showed the willingness to play ball.

Do you know whether Mr. Pence, Vice President Pence's trip was pulled (ph) because of an effort to find out first whether Ukraine was willing to play ball?

MAGUIRE: Chairman Schiff, no I do not. I have no knowledge of any of that until this information came to be from the IC IG. I have absolutely no situation awareness or no knowledge of any of those facts (ph).

SCHIFF: Would you agree that if the vice president's trip was canceled in order to put further pressure on Ukraine to manufacture dirt on Mr. Biden, that that would be unethical, unpatriotic and potentially a crime?

MAGUIRE: I do not know why the vice president of the United States did not do that. I do know what the allegation was within the whistleblower complaint and I don't know whether that allegation is accurate or not, Mr. Chairman.

SCHIFF: Finally, the whistleblower says on July 18, an Office of Management and Budget official informed departments and agencies that the president earlier that month had issued instructions to suspend all US security assistance to Ukraine. Neither OMB nor the NSC staff knew why this instruction had been issued. Senator McConnell said the other day that he spoke with the secretary of defense and secretary of state and he didn't know why the instruction had been given. Doesn't that strike you as suspicious, director, that no one on the national security staff, no one in the senior leadership apparently of the party here in Congress that approved the aide understood why the president was suspending aide? Doesn't that strike you as just a little suspicious?

MAGUIRE: Chairmanship Schiff, I'm just unaware, be honest with you, how those decisions are made and that once again, I -- I just -- and I have (ph) no situational awareness of what happened with the holding of the funding from OAB (ph)

SCHIFF: Well, if -- as a military man, if this military aide was withheld from an ally that is fighting off Putin's Russia and it was done so to be used as leverage to get dirt in a US political campaign, don't you think that should be investigated?

MAGUIRE: I have no reason to believe -- I do not understand -- I have no situation awareness if that was a withheld or why it was withheld, Mr. Chairman.

SCHIFF: Well I can tell you we are going to find out. Director, I want to thank you for your attendance today. I want to thank you again for your service. As my colleague underscored, Mr. Welch, and I completely share his sentiment, no one has any question about your devotion to the country, no one has any question about your acting in good faith. I want to make that very clear. I think you're a good and honorable man. Like my colleagues, I don't agree with the decisions you made. I -- I agree with the inspector general's view of the law, and I'm deeply concerned about the message this has sent to other whistleblowers about whether the system really works.

If the subject of a complaint can stop that complaint from getting to Congress, then the most serious complaints may never get here. And I want to thank the whistleblower for their courage. They didn't have to step forward. Indeed, we know from the whistleblower complaint there are several others that have knowledge of many the same events, and I would just say to those several others that have knowledge of those events, I hope that they too would show the same kind of courage and patriotism that this whistleblower has shown.

We are dependent on people of good faith to step forward when they see evidence of wrongdoing. The system won't work otherwise. And -- and I have to say to our friends in Ukraine who may be watching just how distressing it is that as their country fights to liberate itself from -- from Russian oppression, as it fights to root out corruption in -- in their own country, that what they would be treated to by the president of the United States would be the highest form of corruption in this country, that the president of the United States would be, instead of a champion of democracy and human rights and the rule of law, would instead be reinforcing a message with the new Ukrainian president who was elected to root out corruption that instead the message of that president would be you can use your Justice Department, just call Bill Barr, you can use our Justice Department to manufacture dirt on opponent, that that's what democracy is.

You can use foreign assistance, military systems, vital (ph) assistance as a lever to get another country to do something unethical. The idea that -- that a fellow democracy, a struggling democracy would hear those messages from the President of the United States. I just want to say the people of Ukraine, we support you in your fight with Russia, we support you in your struggle for democracy, we support you in your efforts to root out corruption, and what you are witnessing and -- and what you are seeing in the actions of this president is not democracy.

It is the very negation of democracy. This is democracy. What you saw on this committee is democracy, as ugly as it can be, as personal as it can be, as infuriating as

it can be. This is democracy. This is democracy. I thank you, director. We are adjourned.

MAGUIRE: Thank you very much, Mr. Chairman.

END

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